

Closed Caption Log, Council Meeting, 05/21/09

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good morning, I'm all mayor will winn, it's my privilege to welcome fr. Jayme mathias, pastor, cristo rey catholic church, to lead us in our invocation, please rise.

We gather this morning as a city council, the english word council comes from the fancy latin word concillum, which means eye lash. I couldn't make that up. When the council gathers, it's membered are eye lash to eye lash with one another, another english work reconciliation, comes from the same latin root to be eye lash to eye lash together again. Councilmembers today we pray with you and for you in your great task of reconciliation, of bringing taking many persons of varying personalities and perspectives, background and interests. [speaking in spanish] we ask you lord to send fort your spirit of blessing upon the members of this council as we gather today. May you fill them with wisdom that their words and actions might help to bring reconciliation to our city. We ask this in your name, for you live and reign forever and ever, amen.

Mayor Wynn: Thank you father jamie. There being a quorum present at this time I will call to order this meeting of the austin city council, it is thursday, approximately we are here in the city council which I am chambers, may 21, 2009. At this time before we walk through this week's what appears to be light agenda, we take the opportunity to alert staff or public about potential upcoming items from council or -- or council initiatives. So hearing none, with that, I will read into the record our changes and corrections to this week's p agenda. They are to note that -- that I guess to correct the 11, the amount of this construction contract is \$747,523.42. Therefore the total including the contingency would be \$784,899.57. Slight correction to the price there. On -- we should note that 12 is to be POSTPONED TO JUNE 11t 2009, Our next meeting. 15, regarding an interlocal agreement with the university of texas. Council requested postponement to our next MEETING JUNE 11th, 2009. 36, we should note that I am an additional co-sponsor. 38, we should correct the title of the festival. Instead of pride texas festival it is the austin pride festival. 39, we should note that I'm also another additional co-sponsor. 54, one of our zoning cases later today, we should note that the zoning and platting commission recommendation was in fact to grant community commercial g.r. District zoning for tract 1 and multi-family resident medium density in, mf 3, district zoning for tract 2. 54 that we will take up later this afternoon. Our schedule for today, after we get through our consent agenda, depending on whether we have discussion item or two, we likely will go into closed session, we have a very brief closed session agenda today. At noon we will take up our general citizens communication. We have no afternoon briefings from staff. So we likely will

have a -- a significant recess during the middle of the afternoon. 00 we will take up all of our zoning matters. 30, like usual, we break for live music and proclamations, our musician today is buzz guerrera. Stay tuned for buzz. or shortly thereafter we will conduct our public hearings. Council, so far there are no items pulled off our consent agenda. So -- so this will be our chance to pull an item if we would like. Then hearing none, I'll propose a consent agenda numerically this morning. Our proposed consent agenda this morning will be to 1, the MINUTES FROM OUR MAY 14th, 2009, Regular meeting. From our austin water utility, approving items 2 and 3, noting that they are both related to each other. Also approving items 4, 5, and items 6 and 7, noting that 6 and 7 also are both related to each other. From our contract and land management department, we will be approving item 8, 9, 10, 11, per changes and correction. We will be postponing item 12 TO JUNE 11th, 2009. We will be approving item 13 and 14. From our economic growth and redevelopment services department, we will be postponing item 15 to june 11th, 2009. From our health and human services department, we will be approving item 16. From our law department, approving item 17. From our neighborhood planning and zoning department, approving item 18. From our parks and recreation department, approving items 19, 20, and 21. From our police department, approving item 22. From our purchasing office, approving items 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, and 33. From our transportation department, we will be approving item 34. 35, I guess technically, withdrawn as there are no board and commission nominations today. We will be -- we will be approving item 36 per changes and correction. Item 37 and items 38 and 39 per changes and corrections. We will be approving item 40, actually, I would like to pull item 41 off of our consent agenda as we're going to have a brief discussion, I believe, about the -- about the legal merits of this potential appe. So item 41 will be pulled off the consent agenda. But as part of the consent agenda we will -- we will be approving -- we will be setting the public hearing by approving item 42, 43 44, 45, and 46. So again we will be setting the public hearings by approving items 40, 42, 43, 44, 45 and 46. So I'll entertain a motion on that proposed consent agenda. Motion made by councilmember morrison, seconded by mayor elect leffingwell. To approve the consent agenda as proposed, the -- before I ask for council comments, if you don't mind, we do have a handful of folks who wanted to give us some testimony on items that are on our consent agenda. We have a -- we have a handful of folks that signed up not wishing to speak, but in favor of certain items. We will certainly note that support for the record. 9, regarding a -- a real estate lease arrangement with the austin police department, gus pena has signed up wishing to give us testimony. We will show as supportive, gus, thank you. We had a couple of folks 15, but again we will note as part of the consent agenda that is to be postponed to june 11th. And then a number of folks signed up not wishing to speak, in favor of item no. 37, Sherri [indiscernible] is here to answer questions if we have any of her. Again that is set for approval as part of the consent agenda. I believe that's all of the folks that wanted to give us comments on items on our consent agenda. So with that I would like to open it up for comments from the dais. Mayor leffingwell?

I would like to offer a friendly amendment to item no. 36. A change -- changed so the first whereas would now read whereas the city council passed resolution 200-90-0115-057, attachment a establishing policy guidelines and endorsing the development of the walk for a day regional trail system. All this does is add in the phrase establishing policy guidelines and endorsing.

Mayor Wynn: So councilmember morrison is that considered a friendly amendment to our motion on the

consent agenda? Thank you. Again, further comments on items on our consent agenda?
Councilmember morrison?

Morrison: On our consent agenda we are 12, which is the solid waste services master plan. I appreciate the staff recommending postponement so we have a little more time to have a conversation and study the -- study the options and recommend -- recommendation. I know that there have been questions and information that have been raised and i wanted to present those questions and ask staff to help us get those questions answered. In the intervening two weeks I guess it is. And I think -- I don't know if we need to -- to -- going to come up? Maybe some of them can answer right off the top of your head or you want to take time and we can arrange a time to get the answers later. One of the questions that i think would be helpful to get answered is if -- if we could have it explained how this plan, this master plan, relates to the 0 waste plan that we recently adopted. Because I think there might be a little bit of confusion about that. It would also be helpful for us to understand the costing that's involved here because , we, the city, have -- have come up with the price tag. And so to understand how that price tag was developed, and the -- in the first place and -- and i know that there have been comments about that price tag relative to the zero waste plan cost as well as the comprehensive plan cost. So some information about that would be helpful. And then the third piece of -- of the questions that I have received, have to do with public input and -- and we recently went through somewhat of a process in terms of deliberating on our decision for the consultant for the comprehensive plan. And this -- this process is somewhat different. So if we could have some information about -- about why it's different and what the constraints are and why we set out to do it a little bit differently.

Certainly robert.

[Indiscernible] we have heard those questions and concerns as well. That's one of the reasons that we have asked for this kind of comparison. The presentation at your NEXT MEETING, JUNE 11th, Also this allows one more meeting at the southwest advisory commission to answer any questions that they may have. Gives us time to prepare --

[indiscernible]

that's great. Do you know off the top of your head when that solid waste advisory committee.

10th OF JUNE.

If you do have information or presentation available before that, if you could get it maybe to council and to the commission members, they could take a look at it and be more prepared --

yes. Exactly, we expect to be using the intervening weeks to prepare that, get that information out in advance of these meetings.

Thank you very much.

Mayor Wynn: Councilmember cole.

Cole: Yes, I would like to bring your attention to item no. 22. It an effort by the city to actually partner with the program ymca of austin to further their activities in the community. The first program is involved in helping economically disadvantaged children in east austin, east austin schools learn about golf, the tee program. It's done on a voluntary basis. I wanted to commend my staff along with assistant city manager rudy garza for bringing this item forward. It will also help us to complete our walnut creek trail. Which is an item that was really hanging over our head with our trail systems. We finally actually have that easement completed, so we're going to work on continuing to connect that to the lance armstrong bike trail in the walnut creek trail and furthering development of the trail system in east austin. I would like to recognize john elliot and tommy hale, you might stand up who are here with the first tee program, we are happy to assist you in the furtherance of your goals, thank you.

If you all haven't seen that golf course, it's a spectacular piece of property there on ed bluestein adjacent to the east branch of the ymca. It's 50 some odd acres i guess. Property donated by i.b.m. To the y, sort of undevelopable as a typical traditional sort of recreation facility. So partnering with the first tee organization teaching and playing public golf course was constructed there. It's a beautiful tract of land. Actually two branches of walnut creek intersect there on the property. If you haven't seen that public golf facility you should. Know that a bunch of great work is going on with that program. Also on the consent agenda. Additional comments on items that are on our consent agenda? We have a motion and a second on the table. Councilmember shade? 37, I'm really pleased that we are able to do this, especially in conjunction with all that's going on with bicycle month. I did want to direct staff, though, to please make a special emphasis on the bike thefts that actually have occurred right here at city hall. We're going to be looking at ways to improve our track record in dealing with thefts, but I've been told since this resolution came up about some instances right here at city hall, i wanted to make a point to ask that we look at that specifically. Thanks.

Mayor Wynn: Thank you, further comments on our consent agenda?

Cole: Mayor? We also have postponed item 15, that deals with the delivery of -- of services -- ergso department with -- with a lot of contractors, including the university of texas and our small business contractors and minority business contractors. During the interim time, councilmember shade and i are going to be looking at that. We might actually have to bring an item before the m/w.b.e. -- m.b.e. w.b.e. And small business development committee or we might be able to work that out in the interim. I just wanted to bring that to everyone's attention.

Again further comments on the consent agenda which is approving or postponing all items except item 41. Further comments? Hearing none, all those in favor please say aye.

Aye.

Wynn: Opposed? Motion passes on a vote of 7-0. Thank you all e. While folks take their conversation out in the foyer, which we appreciate, council we'll take up item no. 41. Item 41 is setting a public hearing for a conditional use permit appeal. However, I am told that there are some at least some challenges to even the need for this appeal and i believe we have a couple of folks who wanted to give us testimony. So unless staff perhaps had a -- had some type of summary presentation for us, we will call to the podium mr. bill gammon. Welcome, bill. Jessica [indiscernible] also signed up, if you need up to six minutes you may have it bill, welcome.

Thank you very much. The first thing that i wanted to do is apologize for my rather casual attire. I had a little bit of confusion about whether or not I was actually going to be here this morning and i appreciate you overlooking this indiscretion on part. I note that this item is supposedly brought on behalf of the neighborhood plan contact team. And when I was looking at this earlier and writing the memos that I have -- that i have given to you folks, I -- I analyzed the city code with regards to standing, looked at the actual appeal that was filed and, yes, I represent the successful applicant for the conditional use permit, austin lebehr. The planning after extensive deliberations which spanned two meetings eventually approved that application by a vote of 7-1. At the end of that, mr. Damon howze announced that he intended to appeal and he filed an appeal with the watershed protection development review board. Or review department, the original appeal that he filed was rejected as not stating a basis upon which relief would be granted and then when he came back he took the same piece of paper and attached supposedly some studies to it that said that having an adult oriented business is a bad thing for property values in the immediate vicinity. There are two points that i wanted to make about this. I will deal with them in reverse order. The first one is further on the issue of whether or not the -- the appeal yet states a basis upon which relief can be granted. My client seeks only to regulate the consumption of alcohol at the business. That's it. The conditional use permit is something that is in the best interests and the planning commission was certainly well aware of this and discussed it at length. That having regulated alcohol sales as opposed to a byob establish, which is the permitted use that it now has, is testosterone in the best interests of the community. However the appeal, I'm -- I'm not wanting to get into the merits of that, because it really has no merits. The appeal itself says nothing about this. The appeal says adult oriented businesses cause property values to go down in the immediate one block area around it. The fact that there is nothing -- there are no houses, there are no residences at all within a quarter mile of this, it's on the freeway. In fact there is no neighborhood association that has bounds dears within 5 -- boundaries within 500 feet of this. howze although he is president of the highland neighborhood association did not appeal as the president of the neighborhood association but rather as a member of the neighborhood plan contact team for the highland sky view neighborhood association. Neighborhood plan contact team. It's quite clear that the city code states that in order to be able to have standing to appeal a decision of the planning commission, you have to either be a member or an officer of the neighborhood association, officer, important word, of a neighborhood association with boundaries within 500 feet of the affected silent, which there is none, or you can own property within 500 feet, a utility and service within 500 feet, none of which applies. howze says well I'm the member of the contact team, therefore I'm going to file this appeal. Well, the neighborhood plan contact team is a

neighborhood organization in the very, very loosest sense of the terms. Don't know whether or not it actually has members, but i do note, it was very interesting to me when i looked at this morning's agenda, the folks that are going to follow me, the majority of them are human beings speaking out against the contact team for the holly neighborhood planning area. That they are wondering why it is that the city would appoint people to come in there and -- and assert an agenda that is somehow adverse to the interests that they see are best for their community. I'm wondering why it is that the city would even consider allowing a member of a neighborhood plan contact team to have standing to an appeal for a decision that was made by the planning commission after two meetings of deliberations. Especially when it's not allowed under the auspices of the very code that we all operate under. My client has worked diligently for three and a half years to find a location that they have finally found, leased, begun improving and are ready to open and could very well be operational right now as an adult oriented business at the location in lincoln village under a byob permit or a byob setting that is a permitted use right now. The fact is they don't want to do that. What they want to do is do the very thing that the last occupants of that very same building did, that is serve alcohol from the bar in a controlled environment where they can actually monitor the consumption, control the consumption of alcohol and make sure that the public health, safety and welfare is furthered by doing this. And in order for -- for this appeal to go to the next step, what the city council is being asked to do is to ignore the city code. The city code does not allow howze is neither an officer, although he claims to be an officer of a neighborhood plan contact team because it doesn't have officers, or he's not within 500 feet. This appeal should be dismissed, it is illegal.

[01:45:09]

Mayor Wynn: Thank you, mr. gammon. So -- so perhaps if -- if legal staff could just help us. We're -- technically we're 41, is to set the public hearing for an appeal. gammon obviously is raising the issue of standing and/or whether there can even be an appeal. So I guess I want to make sure, first, vis-a-vis the posting of this meeting if we can get some legal advice as to how that has an impact on our posted potential action today.

Yes, mayor. I believe that because council has a decision to make on whether or not to set the hearing for this appeal, that there can be some deliberation and information gathered on the -- on helping you with making that decision. But it really shouldn't go farther than that.

Mayor Wynn: And by -- by taking action to set a public hearing on an appeal, does that -- does that in any way you know -- validate -- validate the appeal at all? And/or if one -- I guess in theory if a council were to vote not to set the public hearing, does that somehow -- is that a decision vis-a-vis the actual case? lloyd answer that.

Mayor, members of council, brent lloyd, city law department. And our process for adjudicating appeals dictated by code and that process clearly contemplates that the issue of standing, which was the crux of

mr. Gammon's testimony this morning, is to be decided immediately before the public hearing is opened on the date of the appeal. So I don't even believe that the appealants are here today and so our recommendation would be consistent with section 251191 of our code, that smith correctly said it's appropriate to consider information that may be coming forward at the appeal, that the actual decision on standing and any other issue related to the appeal be reserved for the date of the hearing.

So kind of a short answer the other way around is if council sets the public hearing it's not a ruling on the appeal.

Mayor Wynn: But I think that I just heard that the public hearing would be the appropriate forum for us, i guess, to have this discussion dialogue about whether there's standing to even then conduct a public hearing a few minute later?

That's correct.

That's correct. And technically under the code procedural matters, including standing, are -- are addressed immediately prior to the opening of the public hearing. But the code contemplates that the city will be done on the date of the hearing just immediately before it's opened.

[01:48:13]

Mayor Wynn: So therefore if council were to vote to set the public hearing, you wouldn't need to have any additional posting language for that public hearing for us to have -- to have that standing discussion prior to conducting the hearing?

Absolutely correct. Standing and all of the other issues related to the merits of the appeal, which gammon also addressed somewhat, would be -- would be encompassed in the posting language for hearing the appeal.

Mayor Wynn: Questions of staff? Council? Or of mr. gammon. Council, mayor elect -- mayor elect leffingwell.

Leffingwell: Yeah, this is a question for the law department, really. So I understand you to say that the question of standing would be resolved before we got into any public hearing, any actual testimony from the public. Is that right?

That's correct.

So that would be the first item of business. And I assume that our law department is going to offer a recommendation on the standing question at that time?

Absolutely. gammon has provided the law department and staff with -- with extensive narrative outlining the arguments that you have heard in summary form this morning. We are in the process of reviewing those and meeting with staff to discuss them and additionally we will be forwarding them to the appealants and interested parties so they have a chance to apprise themselves of the issue as well.

They will have your opinion before the public hearing is actually held?

We will -- we will formulate our advice and provide it as appropriate prior to the hearing, that's correct.

Leffingwell: Would it be appropriate to schedule, I don't know if it's appropriate to schedule a closed session here, but we could do that at the public hearing as needed.

We can do it as needed. Oftentimes the issues of standing are addressed actually in open session, but definitely addressing them in closed session would be an option as well. Further questions of staff or perhaps mr. gammon? If not I'll -- I'll entertain a motion -- I'll just say I -- I'm -- my first quick analysis of monday makes very -- gammon makes very strong point, certainly we should go into the public hearing if we decide to set that, we will go into it with a very open mind first the deliberation about standing before we were to conduct the public hearing. Further comments or 41 or motions? I will 7 entertain a motion -- I will entertain a motion on item 41. The staff recommendation is to conduct the public , june 11th, OUR NEXT MEETING, Councilmember morrison?

[01:51:29]

Morrison: I move to adopt staff recommendation, with the understanding that we will talk about standing before that hearing.

Motion by councilmember morrison, seconded by councilmember martinez to adopt item 41 as posted, that is setting a public hearing regarding this appeal -- the potential appeal of conditional use permit. Further comments? Hearing none, all those in favor please say aye.

Aye.

Wynn: Opposed? Motion to set the public hearing passes on a vote of 7-0. mayor, councilmembers, I thank you very much for your time and consideration. Y'all have a pleasant day.

Mayor Wynn: Thank you, gammon, I trust we'll see you at our next meeting. Council, I believe that concludes all of our discussion items here this morning prior to our noon general citizens

communication. So at this time without objection we will go into closed session pursuant to 071 to take up potentially two different items. Item 47 discuss legal issues regarding vacancies on the city board and commissions and/or on take up item no. 49, Legal issues regarding the bradford nora historic zoning case. I anticipate this session only lasting this morning, so -- so we will either come straight back out to our noon general citizen communication or if we finish in advance of noon, i will come out and announce that and we will be in recess until noon. Thank you. Ask

Mayor Wynn: We are out of closed session. In closed session we took up and completed discussing legal issues related to item number 49, the bradford nohra historic zoning case. We also began discussing item 47, legal issues regarding vacancies on city boards and commissions. I anticipate us finishing that discussion, but later this afternoon after an afternoon recess. And now that takes us a few minutes late to our noon general citizen communication. We do have a couple of folks who had signed up, but won't be able to attend today, so I think we can still get through in approximately the next 20 minutes or so. Our first speaker who had signed up was rafaela gentry. Welcome. Rafaela. Okay. You're welcome here, of course. You have three minutes and you will be followed by dixie barron.

Do I begin?

Mayor Wynn: Please.

Okay. My name is rafaela gentry here to talk fluoride. A couple of things really important is number one is not only are we getting fluoride in our water, but so is our animals and plants. One of the fundamental questions about --

Mayor Wynn: Folks.

Do you think I could start over.

Mayor Wynn: You may start over. Excuse us.

[Inaudible - no mic].

Oh, really? One of the things I really want to talk about here is the fundamental questions about fluoride is medication, uncontrolled dosage correct for our community. Austin has been receiving fluoride now for a long time. And to me as a student going to college and school, i realize that certain things are in our water should be there, likes things to treat the water, things to help get things biological out of the water, things you can make you sick and die. That's acceptable. But putting medication in the water for everybody without someone being evaluate bid a dentist i think is ethically wrong. And I don't see the logic between that. Another thing is there's one pro, tooth decay, and there are so many cons. Like, I don't understand that either. You can tooth decay and you have things that causes cancer from the fluoride, stuff that's been tested and studied. This is from fluorideinfo.org. This is six paragraphs down. It says fluoridated drinking water probably has a topical effect as well as a systematic effect. Probably. I

know the word probably is unjustified there. Not to totally bash fluoride. If I went to a dentist and a dentist told me I needed it, gave me an evaluation, i would be all for it. Another thing is here's one thing, in clear field, pennsylvania, the municipal authority asked the state department of environmental protection for information to stop adding fluoride to its water. But before city officials got an answer they got a lawsuit threat from the pennsylvania dental association which promised not only as an injunction against any plan to stop adding the chemical to drinking supplies, but litigation against individual board members who approved the action. The city backed down and continues to fluoridate the water. I just see bully written all over that, I'm sorry. Fluoride is a combination of the chemical element fluorine, with some other substance. Some other substance. Everything I read here about fluoride is pretty vague. Other substances could be left to whatever -- the pesticide companies will determine whatever they want to put in the water, which is unacceptable. I love austin, and I love living here. Great city, great schools here. People who visit here are also being subjected to drink our water. I guess that's the three-minute warning. Let me add one more last thing in there. This is from the website of the company that we get the fluoride from, ICI, Inc. At the bottom it states; however, no warranty or representation expressed or implied is made as to the accuracy or completeness of foregoing data and safety information. In addition, no responsibility can be assumed by vendor or any damage, injuries resulting in abnormal use from failure to adhere to recommended practices or any hazards inherent in the nature of the product. That's from their website. They're not responsible, so who is? If later on down the road, this is like a huge issue, environmentally wise or hellwise. That's it.

Mayor Wynn: Thank you. Our next speaker is Dixie Barron. Welcome. You too will have three minutes to be followed by Gus Pena.

First of all, I want to thank you, gentlemen, for giving me the opportunity to speak with you this afternoon. And it's quite a pleasure and an honor. Basically I'll read this because I'm not really good at speaking in public. The same one has been distributed to all you on the council. Called professional perspectives of water fluoridation. It changed my life. Like everyone else I had been taught from a young age that fluoride in our drinking water was good for us, that it prevents tooth decay and is perfectly safe. What I learned from this d.v.d. is truly shocking. I learned that they have listed some possibilities. Fluoride is a poison that builds up in the system over a lifetime. The fluoride used in our water is a toxic waste from the fertilizer industry. Not pharmaceutical. Pharmaceutical grade. There's no evidence that ingested fluoride is good for teeth. Even the centers for disease control and the American Dental Association have admitted that any benefits fluoride might offer come from applying it topically as a toothpaste. Most other countries don't fluoridate, so the generally accepted science we used to justify water fluoridation isn't generally accepted in most places such as China and a few others I could mention. And the cause of

(indiscernible) and unsightly staining of the teeth, which I'm sure people have seen in other countries too that are an external sign of overexposure, approximately a third of American children now suffer from this condition. It's also associated with brittle bone disease, arthritis and bone cancer. It aggravates kidney disease and diabetes, which a lot of people have. Negatively impacts the thyroid gland, negatively impacts the brain. Both the centers for disease control and the American Dental Association

recently admitted that infants under the age of one year are at risk of dental fluorosis, from baby formula mixed with fluoridated water and should not be drinking it. Their warning was posted on the website that when nobody will see it. Low income families can't afford to buy bottled water even if they learn about the hazards and they will suffer disproportionately. We have been received about fluoride and the press for the most part is not covering that story. This leads me to wonder whose duty is it to warn young mothers of austin and the threat of fluoride water poses for babies? On february the 12th during a citizen communication, citizens communication, my neighbor, linda green, gave mayor wynn, yourself, a copy of the book the fluoride deception to share with city council. Included were four pages of reviews. The author, christopher bryson, spent almost 10 years researching this subject.

[Buzzer sounds] and included 100 pages of footnotes. We know not all the city councilmembers and the new mayor have had an opportunity to read this book. The author has done your homework for you. We urge you, the new mayor,, and city council to read the fluoride deception. And reconsider putting this costly waste product into our austin water and save us almost a million dollars or more a year and give us the clean, safe, drinking water that we all deserve. Thank you for your time.

Mayor Wynn: Thank you. Welcome mr. pena. You too will have three minutes and you will be followed by david edridge.

This is gus pena, a may native of austin. Zavala elementary, and proud graduate of local high schools. I will read these comments into the record to discuss the budget, to discuss city issues, to increase funding for social service agencies. Crime is on the increase regardless of what you heard on the media today or yesterday. Do not cut police officer positions. We need everybody on the streets patrolling. It's getting worse out there. If you want to find out, come out with me. You will see t also the last one, increase communication with the community. Don't compromise whatever they have out there, the neighborhood association, that's what they're out for and the way they're elected. Memorial day, may 25th, 2009, monday, alex

(indiscernible), pete aguilar, gene beltran, ds dis, rudely on lopez, joe montez, walter more. Toby rodriguez, a good friend of mine, johnnie roland, henry

(indiscernible). Alex (indiscernible), the last infantryman to die in vietnam. Sam ybarra. All these gentlemen last their lives. This memorial day let's honor all veteran whose made the ultimate sacrifice to serve their country and died defending our country for your freedom and democracy so that I can be here to speak to y'all in this forum and everybody else can speak in this forum also. The johnston 16 memorial service will be held at the recently named east side memorial high school, formerly johnston high school, in the main auditorium, on tuesday, may 26th, 2009 at 6:00 p.m. Please honor not only the deceased veterans who seived our country and gave their lives up for our country, but also their families, especially their moms who carried us in their womb. I'm a proud marine corps veteran of the vietnam era. I heard every time this memorial day comes about, but it's something we need to remember our veterans. Anyway, ladies and gentlemen, what I gave to you, mayor, councilmembers, I gave you a copy of my former id. I'm a former, among other things, federal investigator , but also a

former discrimination complaints investigator for the department of treasury. And it's there in front of you. The reason I gave you this this we do not have fair and equitable process at the fire department. It is about time we have an assistant fire chief who is a female. We do have a female fire chief, but I think let's bring parity and equity to the department. There are a lot of good candidates out there who are females and deserve to be out there as an assistant fire chief and I hope and I pray and I do pray that we bring this process to an equitable, fair process. We do get a female assistant fire chief. They've been left out of the loop for many years. I think it's about time us males -- and I don't mean that we don't respect them, but respect them, place them on the plateau that they deserve. Councilmember shade, I don't know what you're laughing at. I don't know. I find it offensive that you're laughing during my time to speak. You have a new mayor and new councilmembers. Let's go ahead and include the community in all the discussions and everything and continue the march. We'll continue to work with you on the budgetary process. And we're trying like heck us poor people to get parity and fairness to this elected body. Thank y'all very much.

Mayor Wynn: Thank you. Our next speaker is david edridge. Welcome. You too will have three minutes to be followed by richard viktorin.

Hello again councilmembers. Since I spoke to this issue last week and was given indication that this matter is being addressed seriously, I will try not to repeat myself and try to instead make you aware of the actual unintended consequences as I think councilmember mccracken put it, that are being experienced by so many because of the lamar billboard. Our quality of life is being affected big. On monday the lights went on until midnight. Since then they have been off at night. The day view we see in front of our window is an ugly square box with a random message like the one in front of you. It's not what we had when we committed ourselves to this location in austin. Use matters. It is things you enjoy and think about yourself. Your home view is generally something you paid for. The economic damages are going to be murder. I guess to be something like 20 to 30% of home value, that could be two and a half million in total for the bridges alone. I mean, I am making these numbers up, but it's very realistic. If you sell now, you want to find buyers who pretty much don't have to care at all what's in their window. Where are such people? These places go for \$400,000 for two bedrooms. Who wants to spend that kind of money and suffer that view? If you think people dislike it when a billboard is just near them, think how it feels when it directly faces you? It's unbelievable. People are asking for discounts. If you have that kind of money, you just go elsewhere. Basically you can hear a great sucking sound as our investments, our wealth and in terms of city is going into that billboard. The only thing we can look forward to is successfully fighting our tax assessments this may. If you haven't notice the, these are not the best of times for real estate or the economy. Feelings are wide, but most of us feel a little betrayed. We make the decision to join the new blooming of downtown en masse, contributing greatly to the economy of it through spending and taxes, probably bringing more jobs downtown. We drank the cool aid and this is what happens to us. The grants the building permit to us and then grants a permit for a billboard right in front of that building two years later. You can get a better guarantee from a used car dealership. And yes, I do understand it was not your intention. So we need responsibility. We need you to take aggressive action to get this billboard down. I know you are working on it, so I'll try not to harp on it. I heard some good things last time. It's our katrina except we don't have insurance to cover this.

There have been three fox 7 news items on this. There will probably be more and an op ed piece soon. It's a big deal. You need to do the right thing and show that austin takes care of austinites.

[Buzzer sounds] since the unintended consequences are now clear so others do not have to go through this, I ask that you put a moratorium also on new billboard construction or repeal this ordinance until you get ahold of the situation and can get intended consequences instead of unintended ones. This needs to be an agenda item too. If it's not already, please add it. Thank you again for your attention.

[Applause]

Mayor Wynn: Thank you. I expect my join my colleagues and we do anticipate and are waiting for that analysis and legal suggestions from staff for us to take action. Councilmember martinez.

Martinez: Just as an update since the last meeting, myself and councilmember shade have spoken to the folks at reagan national advertising and there is a meeting. Until the -- obviously until the ordinance is fixed, the only option we have is to sit down and discuss and try to help them understand the ramifications of their decisions to put the billboard there. And that is going to take place and we will be asking them if moving that is an option, voluntary removal.

Mayor Wynn: Councilmember shade.

Shade: I think one of the things in the conversation that I've had, and again come arpz and I are hopeful that we can have good outcome with the billboard owner, but it did draw to our attention the fact that with commercial zoning the coffee shop -- the building's trying to generate revenue too. This is a more complicated matter than just a matter of the city giving a permit for a billboard. So we're going to run into this problem I believe in other places where commercial zoning is allowed and where people who own properties are interested in generating as much revenue as they possibly can, this being one of their options. So you highlighted something that we anticipate could be a much broader issue as well. So thank you. And again, I'm sorry we're going to -- [inaudible].

Mayor Wynn: I understand. We appreciate that, david. Thank you. Mayor pro tem.

McCracken: Do we know when we're going to have some answer on the question about whether this was even a proper relocation? Because it -- it clearly flies in the face of what the intent of the ordinance was. And I think with the understanding of the council was about the ordinance, so is there -- do we have some indication of when we'll have some response back on those requests?

I think my colleague can address that.

Brett Lloyd, city legal department. Our analysis of the options and the issue is ongoing; however, we have two preliminary observations that I think staff and the law department are prepared to share. The violations -- there are violations at issue with this overall situation, but they don't relate to the location of

this sign or the size of this sign. The code allows signs to be relocated if the appropriate requirements are met to commercial corridors. And this location meets those requirements. However, there are some surrounding violations, and those are particularly reagan's failure to register all of its signs. As part of the relocation -- overall relocation program that was established in code, a sign owner is required to register all of their signs with the city with the goal of helping the city to have a better updated inventory of billboards. Additionally there's a sign at 41st street that would also under the code -- our interpretation of the code needs to be remoostled as well, -- removed as well. But I want to emphasize again as I believe comments from the dais have indicated as well, there's not a violation with regard to the size or the location of this particular sign. My colleague kathleen buchanan, the city's enforcement attorney is here. My understanding is that at this time the situation has been brought to our attention and we are looking at what the enforcement options are. That's what I'm prepared to share today.

McCracken: One last quick thought on that is it appears that the ordinance that -- that the construction of the ordinance actually is permitting relocation o signs on to places like lamar right by lady bird lake, when the intention of the council ordinance and repeat lid expressed from the dais is we go from urban roadways and on to highways. So at a very minimum I think it would be very helpful for the council to have some suggested code language or initiation of a code amendment that will stop this from happening again. And to the extent that the relocation was only intended to be permitted on a small, select group of highways, that amendment should be the outcome in my view. So I'll circle with folks and my remaining time here to see if we can't initiate something like that.

Mayor Wynn: Councilmember shade.

Shade: I was going to ask if you would explain the process of how it works right now so they have a billboard in a location, it comes down. They relocate it to another location. How does this happen? What's the process that a reagan goes through?

Watershed protection and development review is well underway to developing an administrative rule that is going to address all the technical requirements for relocation. The ordinance that was adopted last year imposed a number of new requirements and as in many regulatory regimes, the devil is in the detail. So the department is developing a rule that will address all those issues. At this point the ideal way that the process should proceed is that all the signs that are required to be removed as part of relocation is removed at the front end of the outset and I think that's -- that would be a component of the administrative rule going forward.

And who owns the sign?

I'm sorry?

Who owns the billboard?

In the particular case that's before you now, it's reagan national advertising.

Shade: And that's the role between them and the landlords?

That's a matter of private contract, and I'm frankly in this particular situation unclear.

Shade: So the city is not the only player in this is my point. We're going to run into this

(indiscernible).

Mayor Wynn: Councilmember morrison.

Morrison: Lloyd, can you tell me are there any regulations on the signs, especially if they're in proximity to other buildings, about lighting? Because that's a surprise issue that arose recently.

There are requirements in the ordinance that was adopted last year related to compliance with international dark sky standards. And that is another -- how we implement that on the ground, how the department implements that on the ground is another issue that is being explored as part of the administrative rule. It's not an issue during the week that we've had to really delve into this. It's not an issue that we've nailed down. But given the comments today, it will definitely be one that we look at both in the context of the rule and in the context of this particular sign.

Morrison: Thank you.

Mayor Wynn: Thank you, mr. lloyd. We do look forward to detailed legal -- councilmember shade.

Shade: [Inaudible]. The sign permits, how do they not run with the land? That was the other question that I had for this whole relocation issue. This is really different. Sign permits don't go with land like everything else does, when we do other cases it does.

At this point you touch on a fairly complicated legal issue. And at this point whether a sign permit runs with the land or runs with the use is an issue that is not entirely clear under state law. And our code over the years has dealt with that issue subtly in different ways. So I'm probably not a very satisfying answer, but at this point that's all I'm prepared to say.

Shade: Thank you.

Mayor Wynn: Thank you, mr. lloyd. Again, so our next speaker is richard viktorn. Welcome become back. You will have three minutes to be follow bid gavino fernandez.

I'm here today to speak about library funding and in particular the housen library. This is where I spend about three to four hours a day. It's my neighborhood branch of my library, reading periodicals, time magazine, commentary, the economist, harpers magazine. Recently I went to the library to finish

reading a harpers magazine article, and found it not on the shelf. And asked the librarian what was going on. She told me that the current round of budget cuts, the library's periodicals budget has been cut from 2500 to \$500. So what you're seeing here is empty periodical shelves. There will not be any magazines on the periodical shelves if these funding cuts are sustained. No "new york times". The chronicle, because it's free, and the statesman, will be about it. I spend probably three to four hours a week here, three to four hours a week at the hike and bike, two to three hours on our city roads. And that's what I get out of municipal sphere. That's how I interact with the city. I don't spend two-thirds of my time interacting with police, fire and e.m.s. I really do think the library cuts are not the result of the current economic situation. They're not situational. I think they're structural and systemic. The results of years and years of police, fire and usurping the city budget. Directly tied to the influence that they wield at this council because of political interest political expenditures. Public safety now accounts for two out of three general revenue dollars. That is why our library shelves are being emptied. Police and fire are paid 20% more than their peers in peer cities in texas and the region. That's how the housen is being decimated. Periodicals are 20% of what they were. And the current city budget, 92% of all new spending on wages and benefits is going to public safety. The city auditor last year reported that austin's public safety costs are growing at a rate two to three times as fast per capita as austin's peer cities. You know, I guess for me the one fact that shows things have gotten out of hand in this realm is that in austin now after a mere three years on the police force, a police officer can make and earn what the mayor earns.

[Buzzer sounds] for me that really tells me we have left mayberry and we've stumbled terribly down the rabbit hole of special interests in this area. I would like to close and say come budget time, please choose to provide for your citizens generally and not just those by your political media. Thank you very much.

Mayor Wynn: Thank you. Gavino fernandez is our next speaker. Welcome back. You too will have three minutes, to be followed by mar sellotafoya.

Good afternoon, mayor, members of the council. First on behalf of el concilio and its family of neighborhood associations we want to congratulate all those who were victor just in the last election. And we look forward to continuing to work with you. I also have a video here that I want to present because today was the day that the late reverend jesse uesti was going to be giving the invocation. I still have the e-mail i received about a month ago. If we can show that.

Those who promote it and those who will benefit from this. We thank you also for the unity and love expressed by the people whose cultures of color, music and art will be seen and experienced for generations to come. May today be the beginning of your many more blessings to come. Amen. Hallelujah. Amen.

Thank you. I also want to now begin my communications on the contact team. Before I forget, for those that are listening, there will be a special blessing of -- for father jesse by the knights of columbus on memorial day, may the 26th, at the assumption cemetery at 8:30 in the a.m. The family asked me to

invite the public for those that are available. The contact team. We've been here, been there. We appreciate the hard work that staff did and especially the community by coming out and attending these meetings and trying to vet whether this was a tool that was something that would work in our community. And given those two processes, we have come to the conclusion -- there was a third meeting that I was not able to attend, but the homeowners in that area pretty much came to the conclusion that this was not a tool that was necessary. A little history. This plan was adopted in 2009. No one from the city came to us to talk about a contact team until 2005, 2006. Since both experiences, the community, the neighbors, this is the bedrock of the latino community in austin. The majority of the people in the area are senior citizens. By culture for us, we're very reluctant and use

(indiscernible) of sending our grandparents to elderly homes. They maintain -- we try to maintain them in their homes as much as possible.

[Buzzer sounds] so I ask you to please concur with the neighbors that we don't want a contact team and that it's a neighborhood plan and it should be implemented by neighbors. Thank you. Mayor, paul and frances weren't able to be here because of health reasons. Nowadays we can't book two weeks ahead, but I would like to ask if commissioner deleon could speak for one of them?

Mayor Wynn: Yes, that would be very appropriate. tafoya, you will have three minutes to be follow bid the commissioner.

Thank you very much. Once again, I would like to congratulate sheryl cole and martinez and leffingwell for your victor just yows election and once again welcome you back. Maybe in a different position, but welcome y'all back. I too will concur with the neighborhood that it should be a neighborhood sovereignty action. And we would like to postpone the upcoming meeting that is to be held. The idea is that as you well know east austin or that portion of east austin is historically one of the oldest in the whole area. It's an area that for many, many years people were moved over there and they were living over there and they made their lives over there and they worked their whole life to accomplish what they have. And for others to come in and say wait a minute, this is not what we want for you, we're going to tell you what we want for you. And I don't think it's time that -- it's about time that we stop that. If we stop telling people this is what we want for you and not what you want for yourself because after all, it's the people that work hard, that struggle to get what they got, that went through a lot, especially when you didn't have the education, when you didn't have the opportunities to be able to accomplish a lot. They accomplished a lot anyway. Not wanting to be part of the general public, but being put aside to me is something that we should take into consideration. Especially when people are telling you what they want. And are demanding what they want. And they're getting to the point now that it's being too costly. Now you came up with an inspection cost before you sell your home. And you know as well as I do none of those homes are going to pass. And once that happens, whatever price was given to them is going to deteriorate very fast. So overall they're continually being bombarded by rules, regulations, tax increases. You're talking about design -- a gentleman not looking out his window. How about these little homes built there and next to it a three-story building, a home is being built. They don't even get to see the sun anymore. So these are the things that are occurring to us. And we ask you once again please,

respect the neighborhoods and let's have a sovereignty for the people. Thank you very much.

Mayor Wynn: Thank you. Welcome, commissioner deleon. You will have three minutes to be followed by jimmy castro.

Thank you, mayor. Good afternoon. Congratulations mayor-elect, congratulations to you mike and sheryl for your recent elections. spelman soon. My name is marcus deleon. I am the president of

(indiscernible) association, which is the area that as has the cesar chavez contact team currently trying to develop the holly. I've been in this process for a long time. I live in the cesar chavez area. Our neighborhood spans both areas. I have tried very hard to try to join this thing. I'm-- I've never supported the contact team because i think it dhiewts the neighborhoods -- dilutes the neighborhoods and all the areas. I have seen many different areas it's caused a lot of conflict and friction. Within this community here, we're at the point that meeting after meeting -- and I think you attended some of the meetings, I think the last meeting was may the 2nd that was attended by greg and by your city manager, mr. ott. It was very obvious that the community spoke and these are all homeowners. They don't want the contact team. It's something necessity don't want. -- It's something they don't want. In my all right I sent to you last week from our neighborhood association is to suspend any meetings until the new council is able to sit down and sit with the neighborhood and discuss this situation. Now, what I'm afraid might HAPPEN ON JUNE 1st, There's going to be a lot of people who don't want the contact and it's going to get -- I hope not, but i think it's going to get very tense, very loud. The last meeting that we had was with the city manager and he had to intervene and calm everybody down. Those feelings are very real, very tense, and it doesn't do our neighborhood any good to sit there and be arguing something that they really don't want. In reality mayor and councilmembers, the neighborhood really never voted for this contact team. It was voted by the council. Councilmember alvarez pushed it through the council, but the majority of the neighborhood didn't want this. You let it happen. So I'm asking staff, I'm asking you out of courtesy until spellman sits, until the mayor is positioned as the new mayor, to suspend all meetings and respect your elders. These are who our leaders are. I never sit here. I always come here out of necessity, never out of luxury. And I don't speak my voice, I speak the voice of rodriguez, steve's mom, gonzalez,

(indiscernible), those elders who have asked me, asked you out of respect and courte to ask the staff to suspend any future meetings of the contact team until we can all sit down and discuss this. This is what they want.

[Buzzer sounds] they don't want a contact team. They want their neighborhood association to represent them and their issues. So we ask you to direct the city manager to take this course of action. And we still will try to meet with councilmembers. We tried to meet with many of you yesterday. We missed mike and brewster and laura. We wanted to meet with you. And tell you this is very real. This is something that's coming from the elders, from my bosses. Thank you.

Mayor Wynn: Councilmember martinez.

Martinez: I just want to comment on the last three speakers spoke specifically about something that's going TO OCCUR ON JUNE THE 1st. And I certainly appreciate concerns they've had and yes, this has actually been going since september of last year. And my aide has attended many of the meetings. What's going to happen on JUNE 1st, THOUGH, IS Either the adoption of the bylaws or not, and the election of the contact team or not. If the community feels as strongly as commissioner deleon and the other speakers have mentioned, then they will be voted down. So I think there's a process and I think because you have a neighborhood plan, if the community doesn't feel like a contact team -- a neighborhood contact team is appropriate, then you can not vote for the bylaws on JUNE THE 1st. And then there won't be an establishment of a contact team. But I do want to say since you guys are here, I want you guys to know we're going to let as many folks know that staff has recommended to move the traditional location of where the meeting occurs from metz recreation center to metz elementary school because the anticipation is it's going to be a very large crowd. So we have bilingual fliers that we will put throughout the neighborhood in english and spanish, letting folks know that on june the 1st 30 there will be a meeting and there will be an election held to adopt bylaws. There will be elections for chair, vice-chair, secretary and attendance keeper as well. And it will be at metz elementary school. Thanks, mayor.

Mayor Wynn: Thank you, councilmember. Our final speaker is jimmy castro. Welcome back. You too will have three minutes.

Good evening, mayor wynn, councilmembers, mr. ott. My name is jimmy castro and I'm here to speak on my own behalf. I do have slides to show you this afternoon. I would like to remind everyone of this year's children's miracle network 20 year celebration to benefit the dell children's medical center of central texas from friday may 31st THROUGH SUNDAY JUNE 1st. All money raised from the central texas area during the celebration will be earmarked for the dell children's medical center of central texas. The dell children's medical center of central texas is the only dedicated pediatric medical facility serving a 46-county region offering a world class specialty care for families throughout central texas. The pediatricians of tomorrow, medical students and residents, play an important role in caring for children. Some of the departments and programs at the dell children's medical center of central texas include the dell children's craneio facial and reinstructive plastic surgery center. The topher emergency are center is only one of five dedicated pediatric e revment's in texas and the only one in central texas. The pediatric intensive care unit is the only critical care facility for children in central texas. The dell children's is the only provider of pediatric neurology services in central texas. Dell children's also receives the support from the dell children's medical center foundation of central texas. The level iii neo natal intensive care unit provides 24/7 coverage for newborns and infants with medical or surgical problems. The dell children's imaging center creates space for on-site radiology and ultrasound capabilities. The expanded dell children's surgery center is the only one in central texas dedicated specifically to children. The pediatric critical care transport team is available on a 24/7 to serve the needs of the central texas area. The dell children's regional heart program will continue a long and distinguished history of service to patients throughout the state and the world. Finally, what really makes the dell children's medical center of central texas different is people. People who can leave work each

day knowing they have made the difference in the life of a child. Thank you, mayor wynn.

[03:56:23]

Mayor Wynn: Thank you, mr. castro. Councilmember morrison.

Morrison: castro, i just want to comment. In addition to those people that work there, I had the opportunity to visit with the volunteer coordinator there, marilyn, who is just dynamite. A couple of times she gave me a tour. There's also all those volunteers that bring so much. I know you appreciate them also. I just want to give them a little bit of a shoutout. And it's amazing besides all that amazing medical care, just walking through the halls how loving a place it is. Everybody's interaction, helping the kids dealing with health issues. Thank you for your work there.

Thank you, councilmember.

Mayor Wynn: So council, that concludes our general citizen communication. Our general citizen communication agenda today. There being no more discussion items posted zoning, at this time I will recess this meeting of the austin city council and know that 00 I will come out to announce in open session that we will go into closed session to finish our discussion on item number 47 regarding vacancies on the city's boards and commissions. So we are now in recess for approximately 3 hours. Thank you.

open meetings act to continue our discussion on legal matters related to vacancies on city boards or 47 on our agenda.

I anticipate the closed session lasting just a few minutes, at which time we'll come out and in open session conduct our zoning business.

So we are now in closed session.

Thank you.

Runberg moore redbird

[03:58:48]

Mayor Wynn: We are out of closed session.

We have been in executive session for approximately the last 50 minutes or so.

We concluded our discussing item number 47, legal issues related to vacancies on city boards and commissions, which now concludes our closed session agenda for the day.

The issue is that we have discovered a technicality when it comes to the required training date for certain members of certain boards and commissions.

And so because of that, we anticipate there being an item on our next meeting's agenda, JUNE 11th, 2009, THAT Addresses that quirk, that technicality of that required training date, but because of that, ut of an abundance of caution, we won't be prepared to take action on two zoning cases.

So as part of our consent agenda here, I suspect staff will be proposing a one-meeting postponement on those two zoning cases and

Mayor Wynn: We are out of closed session. We have been in executive session for approximately the last 50 minutes or so. We concluded our discussing item number 47, legal issues related to vacancies on city boards and commissions, which now concludes our closed session agenda for the day. The issue is that we have discovered a technicality when it comes to the required training date for certain members of certain boards and commissions. And so because of that, we anticipate there being an item on our next meeting's agenda, JUNE 11th, 2009, THAT Addresses that quirk, that technicality of that required training date, but because of that, out of an abundance of caution, we won't be prepared to take action on two zoning cases. So as part of our consent agenda here, I suspect staff will be proposing a one-meeting postponement on those two zoning cases and also our bike plan. We have a public hearing scheduled for after whereby we were going to get a lot of testimony likely from citizens about our bike plan and were posted for action. We won't be taking action on that plan. We will conduct that public hearing. We anticipate dozens of folks coming down to give us testimony so we'll conduct that public hearing, but again out of an abundance of caution we won't be taking action on three of our items this evening. So with that I'd like to greg guernsey as we take up our zoning matters for the day. [00:04:05] Thank you, mayor and council. 00 zoning ordinances and restrictive covenants. These are where the public hearings have been closed. The first item I'd like to offer for consent is item number 48. This is case c-14-2007-0232, known as the rundberg business park at 320 east rundberg lane. The applicant has requested an indefinite postponement of this item. Item number 49 is case c-14-h-2008-0023, known as the bradford nohra house at 4213 avenue g and staff would request an indefinite postponement of this item. That concludes the consent icould offer you at this time. Mayor Wynn: So council, the recommended consent agenda on these cases where we have conducted and closed the public hearing is to postpone indeft anily both of these items, items 48 and 49. I'll entertain that motion. Motion made by the mayor pro tem, seconded by councilmember morrison to approve the consent

agenda as proposed. Comments? Hearing none, all those in favor please say aye. Opposed? Motion passes on a vote of seven to zero. Thank you, mayor and council. Let me continue with our zoning and neighborhood plan amendment items on your 00 -- these are where the public hearing items are open and there's possible action this evening. The first item I would offer -- actually, this is for consent for postponement to june 11th is item number 50, this is case c-14-2009-0031, the moore redbird project. At 313 red bird lane. This is one of the two zoning cases that are -- were affected by the technical item the mayor just mentioned. Item number 51 is case c-14-2008-0242, the mueller austin energy substation at 42 -- at 2403 east 51st street. This is an indefinite postponement request on this item, item 51. Item 52 is case npa 2008-0015-03 known as the precinct 1 new office building at 1811 springdale road and 4704 heflynn lane. This is a postponement to your june 18th agenda. The related zoning case is item 53, c-14-2008-0174, precinct 1 new office building. 1811 Springdale road and 4705 heflin lane. Again a staff postponement to this item to your june 18th agenda. Item number 54 is case sh known as lexington parke, this is for the property located at north of pearce lane and east of sh 130. This is a zoning change request to community commercial or gr district zoning for tract 1 and multi-family -- multi-family median density mf 3 zoning for tract 2 and sonning and platting commission recommendation was to grant gr-co or community commercial conditional overlay or gr-co combining district zoning for tract 1 and mf-3 zoning for tract 2. And this is ready for consent approval on first reading only. Item number 55 is case c-14-2009-0040 known as coronado hills neighborhood planning area vertical mixed use zoning opt in opt out process. Staff is recommending a postponement of this item to your june 11th agenda. Item number 56 is case c 02 known as the at 3400 north i-35 service road southbound southbound. The applicant and neighborhood are agreeable to a postponement on this item to your june 11th meeting. Item number 57, case 25-de, known as the six two-story condos located on fm 2222 road. This is a postponement that's affected by that technicality you mentioned earlier, mayor, and staff is requesting a postponement of this item to your 6-11 agenda. That concludes the items i can offer for consent approval at this time.

[00:08:54]

Thank you, mr. guernsey. Questions for staff, council? I will say that I apologize to -- we have three folks who have come down here to speak on item number 50, one of the two zoning cases that are affected by our technical glitch. And so those folks will -- I'll politely invite them back to our june 11th meeting. Although we don't have anybody signed up to give us testimony on item number 57, we're having to postpone that one as well. I want to say I personally applaud the work of the folks involved who my understanding have come to an agreement on that case which is why nobody sheer to speak on it, but unfortunately it is who will be part of our consent agenda to postpone. So then council, our proposed consent agenda on these cases where we have yet to conduct a public hearing would be to postpone item number 50 known as the moore redbird case to our next meeting, which is THURSDAY JUNE 11th, 2009. To indefinitely postpone item 51. To postpone the combined case 52/53 to our JUNE 18th, 2009 MEETING. To close the public hearing and approve on first reading only item 54. And to postpone items 55, 56 AND 57 TO OUR JUNE 11th, 2009 Meeting. I'll entertain a motion on that proposed consent agenda. Motion by the mayor pro tem, seconded by councilmember morrison to approve the consent agenda as proposed. Further comments? Hearing none, all those in favor please say aye. Opposed? Motion passes on a vote of seven to zero. Thank you all very much. So council, let's see. I

guess that now concludes our zoning matters for the week because of the required postponements. And so technically there being no more business before the city council -- before we take up our six public hearings and possible action, technically I'll adjourn this meeting of the austin -- I'll recess this -- [laughter] not so lucky. I will recess this meeting of the austin city council and technically not reconvene as a council until we take up those public hearings, but do stay tuned 30 we have our break for live music and proclamations. Buzz guerra is our musician today. Technically we are in recess until approximately 6:00 p.m. Thank you.

[00:35:44]

Mayor Wynn: Okay, folks. If I could have your attention, please, welcome to our weekly live music gig here at the austin city council meeting. Joining us today is solo acoustic guitarist buzz guerra. Buzz started his musical career at the age of 14 and has been touring, performing, teaching and recording now for 40 years. He ex-sells in the styles as diverse as mexican classical, jazz, blues, country, pop and light rock. Buzz has released two studio albums, is currently working on a third entitled acoustic buzz to be released sometime next year. Please join me in welcoming mr. buzz guerra.

[Applause] [♪♪ music playing ♪♪]

[00:38:16]

[♪♪ music playing ♪♪] [applause]

Mayor Wynn: So buzz, tell us, where have you been playing lately and where can we hear you next? Well, I have a regular job I do a thursdays called blue dahlia's on e 11th. It's a nice place. It's across from victory grill. I have a regular gig there on thursdays. Just don't go in there and ask for a cheeseburger. They'll kick you out of there. [Laughter] Mayor Wynn: Thursday nights east 11th street and how about do you have a website? Can we download some of your music? Can you buy some of the older cd's. You can buy it at buzzguerra.com. Buzzguerra.com. And you can click on event and check to see where I'm performing. I've got also at the blue dahlia bistro I play sunday for brunch 12 noon to 2:00. So I'm there sundays, every sunday. Out on the front patio. It's real nice. Again, don't order a cheeseburger. [Laughter] that was my mistake. Mayor Wynn: So sundays and thursdays and log on to com to see where you can see or hear buzz in the future. And we look forward to the cd coming out next year sometime, right? And I assume it will be available online and at waterloo records and everywhere else. Everywhere else, I hope. Mayor Wynn: Before you get away I have the official proclamation that reads: The local music community makes any contributions towards the development of austin's social, economic and cultural diversity and whereas the dedicateddests of our artists further our status as the live music capitol of the world. So now therefore i, will wynn, mayor of the city of austin, do here by proclaim TODAY, MAY 21st, 2009, AS Buzz guerra day here in austin and call on all citizens to join me in congratulating this great talent.

[00:41:20] [Applause]

by the way, when buzz played in here, it got so quiet, i thought I wish I could get the crowd so quiet. So while he breaks down we'll come over to this podium to conduct our weekly proclamations. We take advantage of this each week to try to raise awareness about a cause, to say congratulations or thank you or good-bye at times to folks. But also just to continue to celebrate what a great place we live in. My first proclamation is about national safety month, so I guess I'm going to have some fine city employees come up. After I read the proclamation, perhaps shelly will say a few words about why we're bothering to celebrate it, plearg as a big employer. Okay. So the proclamation regarding employee safety month reads -- is that right? Shelly, you will say a few words afterwards? Okay, thanks. the city of austin recognizes the importance of the health and safety of its employees and its duty to provide a safe and helpful work environment. And whereas the city also recognizes the city of austin employee safety association and the city occupational safety and health network as leading forces in employee safety advocacy. And whereas the city of austin employee safety association is coordinating and promoting citywide activities related to the national safety council's annual observance of national safety month, so now therefore i, will wynn, mayor of austin, do here by proclaim june 2009 as employee safety month in austin. And before I have shelly come up and say a few words, I often times have to remind folks about the 12,000 employees that the city of austin has. We're in 40 or 50 different businesses. Some of them are sort of big and messy and very industrial. We have men and women who climb telephone poles. And who operate big expensive, dangerous pieces of equipment. That lift heavy loads day in and day out. That are in our streets during traffic. That are in ditches. That are up on buildings. That carry guns. And so it's an important job for us to do all we can to make sure these fine employees stay safe because fundamentally what they're out there doing in the streets and on the buildings and behind machinery and up telephone poles is trying to make this city work, is trying to make sure that the light work, that when you call 911 somebody comes to your aid, your street is maintained hopefully in a satisfactory fashion, and on and on and on. It's big, sometimes messy, clumsy work, but it's really, really important that we try to keep these folks safe. So with that, please join me in welcoming a bunch of fine city employees that shelly will say a few words about how we observe employee safety month in austin. Shelly, welcome.

[00:44:36] [Applause]

good evening. As mayor wynn said, we are the employee safety association for the city of austin. My name is shelly buchman dorsey and I'm the president of this association and have been for a year. I am not a safety professional, though. I work for the health department at the std and tuberculosis clinic as a supervisor. I fell into this position as a systems structure and on the vehicle collision review committees and boards, which some of you may be familiar with if you've had an accident as a city employee. And you may have seen me. Or another committee; however, this has been a role that I have thoroughly enjoyed this past year and i still have another year as president. And I want to recognize the efforts that we've had over the past year. Our association has been in many news letters all over the city source and the web. We have our own web page on the inside. But we have been extremely busy this past year improving the working environment for the city employees, promoting best business practices and quality safety communications as well as encouraging professional excellence among all of the city safety staff and city employees. And without the officers of the employee safety association, this wouldn't happen. I'm president. I just help organize and lead us, but there are so many people behind

the scenes that help us do things. Our primary representative, tony maldonado, who is with austin public library, he reports to the employee workforce issues committee that goes directly to marc ott. Our secondary representative, mark medley, who is with austin water utility, and he couldn'ting here this evening for a family emergency. And our secretary, carol lee bell who is also with austin water. And with us tonight are other very active and involved members are sharon warren with solid waste -- with public works, excuse me. And david tally who is with the austin convention center. So we represent about 23 different departments with around 90 to 100 employees in our association. Over the past year our biggest goal was the safety conference, which many of you have probably heard about from our mass e-mails going out lately. Last year we had our first annual safety conference with over 250 people attending with no budget. We put this conference together on making a difference. And we had a fantastic turnout and found that employees in the city are looking for more trainings related to safety, so throughout the year we provided 11 different safety presentations, one each month, with over 600 employees attending these presentations. So obviously the message is getting out there and the employees are wanting to be involved. And then this year our second annual safety conference, again, with no budget, maybe mayor wynn can help us out with that --

[00:47:35] [laughter] --

is being put together for JUNE 2nd. [Laughter]

leffingwell then. [Laughter] this coming june 2nd we're anticipating 400 people to attend out at the learning and resource center. If you're familiar with that area and you don't need to BE THERE ON JUNE 2nd, YOU Might not want to come to that building because the parking is going to be scarce. But we are presenting with the purpose of safety culture and promoting a safety culture within the city this year. And we do this based on the national safety council, as mayor wynn mention understand our proclamation. This year's topics are specifically related to teen driving, which how many of you have teenagers? Mine are almost teenagers. Did you know that traffic crashes are the leading cause of death among 15 to 20-year-olds? The other topic this year is fall prevention, which the second most common injury in work related injuries. And overexertion. How many of us work too hard? [Laughter] I feel you. 6 Million medically consulted episodes of overexertion in 2006 were the number one -- it was the number one cause of missed days from work. So working too hard, overexerting yourself, heat exhaustion, all of those things play into that. And the fourth and most common topic of discussion at our conference is going to be distracted driving. Distracted driving contributes to over 78% of all traffic collisions. And who can tell me what the number one distraction is in the car these days? Cell phones! So put your phones down and concentrate when you're driving. Again, I want to thank all of you for promoting the employee safety association and supporting us. And for mayor wynn promoting safety month for june. And encourage you if you haven't already to register for the second annual safety conference. You don't want to miss out. It will be a great event. Thank you.

[Applause]

Mayor Wynn: Believe it or not, we're about to celebrate the 10th anniversary of austin bergstrom international airport. I'm going to read the proclamation and jim as our aviation director will say a few

words. It's amazing to me. I've been up on this dais for nine of these 10 years. Just think about how austin has continued to grow. There is well over 125,000 folks living inside the city limits of austin who never flew into mueller airport, who have only known bergstrom. And it wasn't too long ago i got stopped by a citizen when he asked me why in the world we had a street in central austin called airport boulevard.

[00:50:43] [Laughter]

everybody knows the airport is out del valle. And I said well, there used to be an airport there. He looked at me like I was strange. So it's 10 years. It's sort of amazing even if some of us who remember mueller pretty well, we have to try to remember it, right? And by the way, a quick plug. If you haven't gone over to the old mueller airport in the last few months, i suggest you do it. Especially for you old timers who remember the old airport over there. Because it's pretty remarkable what we're accomplishing over there, just a city within a city is being built on those 750 acres, 140 acres of parks and lakes and hike and bike trails, 4,600 homes are being constructed. There will be 10,000 people living on the site. There's also four million square feet of commercial space being delivered, so 10,000 jobs on the same site. Every front door at mueller is within 500 feet of a park. We have affordable housing. 25% Of all the homes are affordable housing, technically, mathematically, to folks making less than 80% of the median family income in travis county, but you can't -- they're indistinguishable and they're interspersed amongst all the other homes out there. The parade of homes is going to be out there next week showcasing austin energy five-star buildings. The dell children's medical center is a spectacular structure and even a more important asset to us as a community. So it all happened at mueller because we -- the time, effort and money to take the old bergstrom air force base and turn it into our airport. And I get stopped frequently by folks who still compliment the airport and still seem so new, it looks new, it feels new. I think it's clean and attractive. It's easy in the scheme of things, I think it's very easy to get in and get out. So we're lucky to have the airport. It's very much expandable. It's 4,000 acres or so compared to 700 acres at mueller. It was a really important investment that this community made to spend about \$800 million or something like that to ultimately deliver that airport that I think will serve this community for the next 50 years. So it's sort of fun to remember the opening of the airport, and I will read the proclamation and I guess have jim say a few words about our 10th anniversary out at bergstrom. over the past 10 years, austin's annual traffic at austin-bergstrom international airport has increased 35% to 9 million passengers whose business and leisure travel make a 2 billion economic impact to our local economy. And whereas abia is a gateway to austin, strongly reflecting the nature and character of our city, the friendly austin style reception travellers receive contributes to its high-ranking amongst airports worldwide. And whereas abia is the only to earn airport service quality assurance certification from the airport's council international, and I think the only airport in the planet that offers live music gigs frequently. So now therefore i, will wynn, mayor of the city of austin, texas do congratulate abia staff on a decade of success and here BY PROCLAIM MAY 23rd, 2009, Saturday, as austin-bergstrom international airport day in austin and please join me in congratulating the entire team out there represented by these two fine men here.

[00:54:11] [Applause]

mayor, thank you for the proclamation. On behalf of the 3200 people who work at the airport, we want to

thank you. And also invite everybody to the airport for the birthday celebration. We're having a brief ceremony tomorrow and ear we're also having rick trevino sing tomorrow afternoon. We'll have a big cake and do a celebration. Unfortunately unless you've got a ticket, you won't be able to have any of the birthday cake. So security, security, security. But again, thank you very much for the proclamation and we look forward to providing you an excellent service the next time you come out to the airport to catch a flight someplace. Thank you very much. [Applause]

Mayor Wynn: Well done, guys. Mayor Wynn: So one of our themes today is city of austin employees. We've got a bunch of good folks from our public works department because our next proclamation is regarding public works week, and howard or somebody is going to speak after I read the prok, but welcome everybody up here first. This good looking crowd behind me is just a small fraction of our public works department. Again, I'll read the proclamation and then howard will say a few more words and perhaps even others or introduce some folks. So our proclamation regarding public works week the department of public works, austin energy, austin water utility, contract and land management, parks and recreation, solid waste services, transportation and watershed protection and development review provide infrastructure and services known generally as public works. And whereas the austin public works -- american public works association, excuse me, urges us to, quote, revitalize, reinvest and renew our communities this year. And whereas we recognize the outstanding contributions that the employees in these fine departments make towards maintaining in enhancing the quality of life in our community. So therefore i, will wynn, mayor of austin, do here by proclaim the week of MAY 17TH THROUGH 23rd, This week, 2009, as public works week here in austin. And as howard comes up, please join me in welcoming and thanking a bunch of fine city employees.

[00:57:15] [Applause]

thanks to each and every one of you for coming this afternoon. We know the mayor is a big fan of austin as the live music capitol of the universe. So in anying about that i tried to come up with an analogy for the crew up here. People in my generation and age remember groups like earth, wind and fire and blood, sweat and tears. The folks up here can be best be known as cone create, asphalt and sludge. [Laughter] this week is public works week and we're here to recognize all the city departments that participate in our public works mission. And even though we have a public works department, what we do goes far beyond just public works. There's a big partnership among many departments, and we have representatives from each one of them. The theme this year is revitalize, reinvest and renew. And the people behind me and all of the people who work with them symbolize that and that we revitalize our community everyday by working in our parks, trails, improving our bic and sidewalks as well as our streets and roadways. We reinvest in our community by the transportation system, police and fire stations, electrical systems, water and wastewater and we maintain good stewardship of the public trust on public lands. And we renew the spirit of our city each and everyday by the positive can do attitude every one of your public works team members brings in dealing with the problems we face. But working in public works is more than just a job, -- avocation and it's a calling. Why else would you get up in the middle of the night to fix a traffic signal, repair a sewer line, ensure that electrical service is still in place and go out and sand the roads? The folks behind me are dedicated to what they do. They do it with good spirit, with espre and with dedication. I would like to take a minute to introduce those who work

for public works. From the austin water utility we have barbara. Austin energy, carol stewart. Contract and land management, rick wilson. Parks and recreation, tony arnold. Gary gregson. Donald bold. From solid waste services, sam gilbert. Transportation, gordon dirk. From watershed protection and development review, wanda. And from our public works department, terrance o'connor. Arthur sample sond and david cass steeio. In almost 30 years of working in public and private sector, working with public works officials, we're fortunate in austin to have some of the very best in the field. So again, please join me in giving them a round of applause for all they do. [Applause]

Mayor Wynn: Quick photograph? Mayor for my next proclamation it's barton springs day. I know last year we did it on an odd day. George told me that we always celebrate it had on june 6th. That coincidentally happens to be national trails day this year, so in addition to celebrating barton springs, we of course have this phenomenal walk for the day trail that fundamentally will begin, the trail head will be barton springs. So we have this great opportunity next weekend to celebrate two great concepts and assets here in this community. So I'll read a proclamation about barton springs day and george cofer, who is not as old as barton springs, will say a few words about living in austin all these years. The prok reads, barton springs has long been recognized as an important gathering place for the people of austin and an invaluable community treasure. And whereas barton springs has come to represent the commitment of our citizens to approaching the great gifts of natural beauty with which our city has been blessed and to preserving them for future generations. And whereas june 6, 2009 is also national trails day an appropriate day to recognize and celebrate the social, cultural and environmental significance of barton creek and barton springs. So now therefore i, will wynn, mayor of austin, do here by proclaim june 6, 2009 as barton springs day here in austin, and please join me in welcoming our george cofer. [Applause] thank you, mayor. I appreciate that. I do recall when we would come and go from austin and there weren't any airplanes then. So it has been awhile. I second the mayor's request or invitation to go to mueller. It's extraordinary. Mayor, thank you very much, and I thank everyone at the city on behalf of the community who have celebrated barton springs in this community since 1990. June 6, this year, will be barton springs day and national trails day. I'm here on behalf of a coalition of groups putting on those activities in zilker park and along the greenbelt on june 6th. If you would like to participate in some work projects on the barton creek greenbelt, we'll have more than 200 volunteers out there. You can go to austinparks.org. That's the austin parks foundation. Austinparks.org. Sign up, be a volunteer, and what you get in return for that is knowing that you've done something great for the community and at noon we will gather in zilker park, if you have the volunteer wristband and we'll have salt lake barbecue and music and a lot of fun things to celebrate both barton springs day and national trails day. Even if you cannot come out june 6th, I know that the community has for quite awhile loved and cherished barton springs, zilker park. We thank you so much for that ongoing support. Thank you, mayor, we appreciate this recognition and proclamation. [Applause]

Mayor Wynn: We also use this time at a city council meeting to say congratulations, thank you and occasionally good-bye. And really I want to say all three of those to michael McCLUSKY. We're joined by the general manager of austin energy, roger duncan. After I read the proclamation -- technically this is a distinguished service award for michael. Then we'll have roger also say a few words and present some additional tokens from his colleagues at austin energy and the rest of the city. So this distinguished service award reads, for 23 years of extraordinary service to the people of austin as a fruited and

valuable -- trusted and valuable employee of austin energy, michael McClusky is deserving of public acclaim and recognition. Michael has provided exceptional leadership and made significant contribution to the success of austin energy during his tenure. Among many achievements, he developed and implemented austin energy's financial risk management program to manage fuel and purchase power costs. He also directed the creation of the utility's qualified scheduling entity or qse, which manages transactions related to the texas wholesale deregulated market. Michael deserves significant credit for the strong financial standing of austin energy. This certificate is presented in acknowledgment and appreciation of his public service this 21st day of may, 2009, signed by me, mayor wynn, but acknowledged by the entire austin city council this distinguished service award TO MR. michael McClusky. [Applause] well, as the mayor and the city council know and the citizens of austin know, we have a great utility. The nation as leaders in providing our community with clean, affordable and reliable energy. And truly a significant reason for that leadership is because of the truly dedicated service that michael McClusky has given us over these years. So michael, we wanted to give you some additional tokens from the employees of austin energy in addition to your distinguished service award. And I'll hand each of them to you. First, we do have a 23-year pin that we know you will wear proudly while you're working at lcra. [Laughter] I will. Thank you, roger. [Applause] secondly, our employees got together and we want to give you a watch, just so you would know how long it's been since you left austin energy. Thank you very much. Thank you, roger. Appreciate that. [Applause] and finally, those of you who know michael knows that he loves to travel by train. And we have a plaque here that we're putting a locomotive on the top of, and it says full steam ahead in your new endeavors for 23 years and two months of exemplary leadership, dedication and exceptional service to the city of austin, and austin energy. Michael, thank you. [Applause]

Mayor Wynn: Thank you, mayor -- thank you, mayor and thank you, roger. I just want to say what an honor and privilege it has been to serve the citizens of austin and the customers of austin energy for these past 23 years. You know, in my opinion, austin energy is the most progressive electric utility in the country. And it has some of the most talented staff, a i believe some of the most forward thinking leadership, mayor and council and roger, of any utility anywhere. And I'm going to miss being a part of that. But change is inevitable and with change comes opportunity. And opportunity presented itself to me and I'm going to take advantage of that. The most important part of that opportunity is that i get to stay here in austin, the town that I was born in and grew grew up in and made my life in. And I probably wouldn't have considered anything other than that. So mayor, thank you for that opportunity for the past 23 years and thank you for the experience. And I just hope that I have given back to this community as much as it has given to me. Thank you. [Applause]

Mayor Wynn: Congratulations again, michael. And thank you. With that I'm actually going to turn the podium over to my council colleague martinez who is behind me and councilmember martinez will be right now. Thank you. Martinez: Sorry. Ran downstairs. There's mona. Mona, are you ready for your proclamation? All right. For our next proclamation, we are going to recognize a wonderful nonprofit that operates in southeast austin in the dove springs neighborhood. mona gonzalez here from river city youth fowdges. I'm going to read the proclamation and then ask you to say a few words and introduce your folks here with you. The proclamation reads be it known that whereas the river city youth foundation is an organization dedicated to improving the quality of life to the youth of our community,

our most precious resource and whereas the foundation's programs are designed to foster self-confidence, academic achievement, personal growth, healthy living, civic pride and concern for the environment. And whereas this year's celebration honors the achievements of both the youth and those individual organizations and businesses who support them in a ceremony with the theme, beacons of light for a brighter future. Now therefore i, will wynn, mayor of the city of austin, texas do here by proclaim may 20th, 2009 as river city youth recognition day. Congratulations. I ask you guys to join me in congratulating ms. gonzalez. [Applause] councilmember mike martinez, thank you so much. He looks a lot better with a little santa claus hat. He's been out to our events. He's been a blessing to us. And I do thank you as well as the mayor and the city council. The children that you see here are 19 out of over 400 kids a year that we serve at river city youth foundation. This represents our 26th annual youth recognition. This year's theme has been beacons of light. For a brighter future. In spanish. [Speaking spanish] we know that we're in the middle of a recession. A lot of people want to give up. But when community leaders young and old rise above seemingly insur monthable challenges, we become the beacons of light that lead others to health and prosperity. Through this wonderful event we honor those whose exemplary contributions have helped river city youth foundation to become a lighthouse of hope for thousands and thousands of children in an area called dove spripgz. So we're very proud to be here. We can't do it without all of you. All of the people who help and who love and who care. There are a lot of folks that we are recognizing, but tonight I'm going to focus on leaps. It is a city leadership program. They built and painted how many picnic tables? 20 Picnic tables. That's a lot of picnic tables for a group of seven folks. They need a round of applause. [Applause] why -- why are picnic tables important? It's because we have a two-acre park that we have restored and reclaimed and made a safe place in the middle of a rather dark community at times. And outside is where we eat. And we feed the children every single day. So those picnic tables are critical. Now we have 20 and they're brightly painted and they're beautiful. There's another group that i want to also recognize tonight, and that's 200 young people in americorps who on saturday came out in force and they have built a trail, a w trail in the park. They have also built a microfarm so we can grow vegetables. And they have also built something that we've only dreamed about, and now it's a reality, and that's the memorial peace garden where children can rest, meditate and heal. So I want to extend our thanks to americorps. Wherever you are tonight, thank you. Give them a round of applause. [Applause] so there's a lot of folks that I could thank, and we just simply don't have enough time, so I'm going to ask you to go to our website at rivercityyouth.org. I also want to let you know that recession or no recession, we're going through with this. Gale, we are having our annual father's parade and fiesta sunday, june 7th. You know, they say keep austin weird. I don't know if this is weird or not, but I don't know too many communities that have a father's day parade and celebration. But austin does. And it happens right there in dove springs. So I want to invite you, it is now co-sponsored by univision tv and radio and new york life and others. So we invite you to come. Put your sneakers on and let's march together and let's show the kids that fathers do care and we're going to get them back involved in kids' lives and change the world. That is coming up along with some other wonderful events. I just want to extend my thanks again to everyone. Everything you do makes a difference. Look at these children. Their grades have gone up. Their behavior is stellar. They're not afraid of the taks test. And most importantly, they have a future. And that's what it's all about. So I want to just thank you, thank you and thank you. [Applause] mayor-elect. Leffingwell:ING

WELL Will be up next, but I want to say hi, ethan. I hope you go to bed easy.

Leffingwell: That's her case you're wondering who ethan is. Do we have the two honorees come down? They're here already. Good evening. I'm councilmember lee leffingwell, and we're here this evening to observe memorial day, which is actually next monday. Please stand for the posting of the colors. Post the colors. Please remain standing for the singing of the fall anthem by jeff bice of austin energy. (Singing national anthem).

Leffingwell: Thank you, jeff. Please remain standing as chap lan scott crossly gives our invocation and reads the names of the austinites who gave the ultimate sacrifice in afghanistan and iraq. Captain crossly served in the 101st airborne division in iraq and is currently serving full-time as a member of the texas national guard. Chaplain? Join me in prayer. Lord, we pray to you today not solely out of habit or custom alone, but rather we believe the truth of your word that promises if we draw near to you, you, lord, will draw near to us. Lord, I thank you for the men who deemed it worthy back in 1868 during the civil war era to designate a special day to honor our fallen heroes, formerly known as decoration day and now known as memorial day. We pause to remember those brave men and women who died and have been wounded as well defending this great nation. Lord, I thank you for allowing me to have the fortunate job to minister to these brave troops. To go to war with these soldiers and marines and to honor these friends. The bible says that the righteous are as bold as a lion. I pray for continued courage for our troops fighting today. For righteousness that permeates our every being and for encouragement for family members here today that have lost one of their own. I pray for family members, lord, of following austin-based brave soldiers and marines that have sacrificed their lives and died while fighting in afghanistan and iraq in recent months and years. Lance corporal nicholas aldrige. Lance corporal trevor astin. Lance corporal dominic brown. Lance corporal roger castleberry. Sergeant jaimie gonzalez. Master sergeant robert horagan. Private first class ron joshua. Corporal matthew la for rest. Lance corporal nicholas per reses. Private first class tina priest. Sergeant george elua. Sergeant henry ybarra. I practice pray, lord, especially now for the perez family and for the horagan family who both have a family member who currently works for the city of austin, are present here today and know the firsthand sacrifice of losing a loved one at war. God finally I ask you that you bring comfort to those who are mourning, bravery to those still fighting and gratitude to those praying. On this memorial day 2009, we thank you, lord, for the united states of america and for our fallen heroes who are the pillars of this great nation. It is in your powerful name that I choose to pray, jesus, amen.

Leffingwell: Please be seated. Memorial day was born from the chaos and sorrow of the civil war almost 150 years ago. Since then it has become the time for us to honor the hundreds of thousands of american soldiers, sailors, marines and airmen who gave their lives in countless battles over the years. This evening we are honoring two city of austin employees, both of whom are members of gold star families, those who have lost a member of their family in combat. Yolanda valdez perez, human resources department, lost her 19-year-old son caleb perez, while serving in iraq. Austin firefighter john horagan lost his identical twin brother, robert, who was serving in afghanistan. We honor you both here tonight. Today I ask that each of you take a moment to stop and remember all families whose soldier, sailor, marine or airman did not come home and also to think of those who currently have family members serving our country around the world. These young men and women voluntarily left the

comfort of their homes to serve their country. We applaud their courage, their service and their unwavering dedication to our country. On this memorial day we recall the words of president franklin dell know roosevelt just a few years ago. He said, those who have long enjoyed such privileges as we enjoy forget in time that men have died to win them. Today presents us with the opportunity to honor our veterans who have honored us by serving so courageously in the face of great conflicts. And now I would like to read the proclamation, if you've got it. We have two identical proclamations for both of our city employees. I'll read it just once. The proclamation reads, be it known that whereas the city of austin joins with the rest of america to honor the memories of countless, selfless servicemen and women who have given their lives to protect our nation's liberty and whereas the city of austin humbly absolutes the loved ones of our nation's fallen soldiers, recognizing that we enjoy freedom today because their beloved fathers, mothers, sons, daughters, husbands, wives, and friends gave the ultimate sacrifice on our behalf. And whereas the city of austin applauds the patriotic spirit of its citizens and encourages all to pay tribute to the fallen heroes of our nation's armed forces during this memorial day weekend. Now therefore i, will wynn, mayor of the city of austin, texas, in conjunction with the memorial day, do here by PROCLAIM MAY 21st, 2009 AS City of austin's day of remembrance in austin, texas. Congratulations. I have one of these for each one of you. [Applause] congratulations and thank you. Please remain standing for the retiring of the colors. Present arms. ♪♪♪ Retire the colors. This concludes our ceremony. Thank you for attending. [Applause] I just kind of hit up lee real quick. I just wanted to publicly thank stint and I also wanted to publicly thank the fire department because the city of austin went out of their way when my twin brother died, and especially chief evans. The chief had said john, whatever it takes, if it takes blocking streets with the apparatuses, that's what we're going to do. And that's exactly what we ended up doing. A few things that you probably don't know about robert, robert actually volunteered to go back. He was actually retiring. He had 19 and a half years in the military. And they said robert, you don't have to go on this mission. You're going out. You're getting out. And robert said, you don't understand, if you're going, I'm going with you. This was robert's fifth tour to iraq. He was actually killed in iraq. He had done three tours in afghanistan. He left behind a wife of 17 years, a daughter of 12 years old, a little brother, a mother, and a sister. You know, being identical twins, half of me died that day. And I just got to thank my brother for bringing me back to christ. And the great things that have happened from what he's done, we've started operation honor our heros. We're actually doing run across texas right now for the fallen. And just again thank you for the city of austin and to the austin fire department. Thank you. [Applause]

Mayor Wynn: There being a quorum present, at this time I'll call back to order this meeting of the austin city council. We've been in recess now for an hour or so while we conducted live music and some proclamations. Earlier today as part of our zoning cases, I reminded folks that we had earlier -- earlier today we had been in closed session to take up item number 47 discussing legal issues related to vacancies on city boards and commissions. To make a long story short, ou team discovered a quirk, a little technical quirk in the required training date for certain members of certain boards and commissions. And so because of that, three items tonight we have been advised by legal staff not to take action, two zoning cases that we postponed earlier, and we are advised not to take action on item number 61, our public hearing regarding our bicycle plan. Without objection, I believe the strong consensus of my council colleagues is for us -- since so many folks will be here to give us testimony, is

to still conduct the public hearing on item number 61, our bicycle plan, but again the legal advice is no take action. We anticipate at our next city council meeting next -- which would be thursday, JUNE 11th, 2009, THERE Will be a very simple item on the city council agenda that fixes the quirk in that required training date for certain board and commission members of certain boards and commissions that fixes the issue, and then the council could take action on either of those two zoning case and/or the bicycle plan any time beginning at our next meeting, which is JUNE 11th. So for you folks planning your evening, if -- even though we will be told not to take action on the bicycle plan, we will conduct the public hearing. We do have a handful of other public hearings to conduct. Council, as my practice is, I try to get the shorter ones over with earlier in the evening and send some people and some staff home, and save the longer public hearings until the end. We have three public hearings that have some speakers signed up, three public hearings with no speakers, so we'll blast through those quickly. My suggestion is that we take up -- after going through the three public hearings where we have no speakers, we will then take up item number 59, which is a public hearing regarding mobile food vending issues. There's only three speakers signed up to speak on that item. We would then take up item number 63, our waterfront overlay continuation after public hearing. We only have 13 speakers signed up for that one. And save our final public hearing of the evening for the bicycle plan, which currently has over 60 folks want to go give us testimony. Several hours of testimony. So we will begin the public hearings. Our first posted public hearing is item number 28 to conduct a chapter 26 public hearing. Welcome ms. judy plummer. Item number 58 is a change in use and parkland, which is a chapter 26. The change in use is for an update to a storm drain. The mitigation payment to the parks department is a little over 177,000. The legal fact finding for item number 58 is that there's no other feasible and prudent alternative to the taking of the dedicated parkland, which includes all planning to minimize harm to the park.

Mayor Wynn: Thank you. Questions for staff, council? Comments? Are there any citizens that would like to give us testimony in this public hearing, item number 58 regarding the chapter 26 item as presented by staff. Good answer. Motion by councilmember martinez to close the public hearing and approve this item as presented. Seconded by councilmember morrison. Further comments? Hearing none, all those in favor please say aye. Opposed? Motion passes on a vote of seven to zero. Thank you.

Mayor Wynn: Thank you, miss plummer. Item number 60 is to conduct a public hearing and consider and ordinance regarding restricted parking. Welcome a brief staff greg guernsey. Thank you, mayor and council. This is to conduct a public hearing and consider an ordinance amending the existing ordinance dealing with restricted parking area map, and this would add six neighborhoods to the restricted parking area map. And this would prohibit vehicles from being parked in the front or side yard of a residential property except in a driveway or paved parking space as on the approved plan. The neighborhoods affected are great hills, sections 9 and 10. Cat mountain hoa north acres homeowners association. Lost sales hoa. Burell meadows. That's the portion that's within the city. And these are requests that have been brought forward by these neighborhoods and we would offer this since there are no speakers in opposition or in favor, as a consent item.

Mayor Wynn: Thank you, mr. guernsey. Questions of staff, council? Comar.

Martinez: I just have one question. What happens in the instance of if a neighborhood has opted in and someone builds a driveway -- like a curved driveway on their front yard. The example I'll give you is literally right here in south austin between the railroad tracks and south fifth street, because it's so difficult for those folks to pull in and out of their driveway because of the heavy traffic, what many of them do now is pave their front yard with a circular driveway so that they can pull in and out much easier and safer. What happens in those instances? First, they still need to get a driveway permit if they're going to have a separate driveway. They would have to come down to probably the watershed protection and development review department and have the review done to make sure it's not exceeding impervious cover, but slons they're parking on a paved surface, a driveway surface, they should be okay. It's only when they start parking in the yard, let's say on grass or dirt, then that becomes an issue.

Martinez: Do we have any areas that do not have curb cuts and do not have off street parking? Because I know some of our areas in the north central austin area around seton, they're metered and may not have curb cuts on some of the homes. I guess we could check on those. Those areas would have a driveway. Some only have portions of them paved. I think that's acceptable because that would be considered still a driveway. It's just when they park on the yards, it really becomes an issue.

Martinez: Thanks, mayor.

Mayor Wynn: Further questions of staff? Are there any -- here's a good civic lesson here, folks. jim so maniers signed up in favor of this sum, public hearing, but checked the do not want to speak box. [Laughter] sommers, and I think he's going to be pleased with the outcome of this public hearing based on him not wanting to speak. Further questions of staff? Are there any other citizens that would like to give us testimony in this public hearing, item number 60 regarding restricted parking areas? Thank you. So motion by councilmember martinez to close the public hearing. Seconded by -- and to approve the item as posted. Seconded by councilmember shade. Further comments? Hearing none, all those in favor please say aye. Opposed? Motion passes on a vote of seven to zero. Thank you, mayor and council.

Mayor Wynn: Thank you very much. Item number 62, conduct a public hearing to consider an ordinance amending chapter 25 and 30 of the city code concerning the notification process for subdivision applications. Welcome mr. george zapalac. Thank you, mayor and city council. This item is an amendment to amend the notification requirements for subdivisions and site plans that are under review by the city. And the -- the most significant effect of the amendment will be to increase the notification area for properties that are in the extra territorial jurisdiction of the city. To correspond to the requirement that is for applications in the city limits. The notification area will increase from 300 feet to 500 feet. And this change was requested by travis county to make the notification requirements consistent. There are other small technical changes in the requirements as well. This amendment is recommended by the staff and the planning commission. I'll be glad to answer any questions.

Mayor Wynn: Thank you, george. Questions for staff, council? Again, karen underwood signed up not wish to go speak, but in favor of this ordinance. Are there any other citizens that would like to give us

testimony on this public hearing, number 62, notification of site plan subdivision applications. Further questions of staff, council? If not, I'll entertain a motion.

Leffingwell: I'll move to close the public hearing and approve the amendment.

Mayor Wynn: Motion by mayor-elect leffingwell, seconded by councilmember cole to close the public hearing and approve this ordinance as presented. Further comments? Hearing none, all those in favor please say aye. Opposed? Motion passes on a vote of seven to zero. Thank you all very much. Council, that will take us to item number 59, conduct a public hearing considering ordinance regarding mobile food establishments. greg gurn sivment. Thank you. This is to conduct a public hearing and consider an ordinance amending the map regarding mobile food establishments in accordance with our city codes. It adds four neighborhoods, university hills neighborhood planning area, the east oltorf -- east riverside, oltorf combining area, loss arbol. Sevment neighborhood association, the burnel neighborhood. And it would basically provide that mobile food vendors when they're establishing their locations inside the city have restrictions on when they can operate in proximity to those uses that are found in sf-5 or more restrictive zoning districts. So that would be -- or uses. That would basically from single-family homes or duplexes, townhouses, small condominium complexes, about 10 units or less, or townhouses about that same number or less. It would provide that there be a 50-foot set back that would be provided if they're 50 feet, but not more than 300 feet they would be limited to the hours of for their operation. For mobile food establishment to operate and , that they be further than 50, but not more than 300. And then a mobile food establishment that operates and , they would have to be at least 300 feet away. So these are neighborhoods that have taken action and made this request of the city to basically opt in to these additional set back requirements. This ordinance does not change the mobile food ordinances that currently exist on the books and where they can operate. This is really in particular for these particular neighborhoods that have made this request today. And I believe, mayor, you may have three citizens that have signed up in favor.

Mayor Wynn: We do. We'll hear from those folks. First, questions of staff, council? Comments? If not, we do have a couple of folks who would like to give us testimony. paul saldana in the awd yes or no yens. And (indiscernible) wanted to donate time, so you will have up to six minutes if you need it and you will be followed by tom ramsey. Good evening, mayor and council. My name is paul saldana and ramsey, the operator of snappy snacks mobile catering. We want to go officially on record in support of the proposed amendments as outlined by staff in item 59. We firmly believe that the proposed amendments will help address meap of the mobile catering vehicles and operations that sometimes have a blatant disregard for the quality of life, safety, health, environmental concerns. In addition, many of these same operations damage the reputation of the mobile catering service industry and those businesses that operate with integrity and strong work ethics. While we realize that the proposed action item this evening only addresses set back requirements and limitations of hours of operations, we are respectfully requesting that the council consider a long overdue assessment of the city's regulatory standards and permitting process to address some serious health, safety and some environmental concerns. And these tough economic times, we have seen a dramatic increase in the number of mobile catering vendors and operators that are operating in the city and streets. In fact, it's our understanding that the permits have almost doubled within the last five years. Currently the city of austin through the

austin travis county health department issues two different types of permits. One is the unrestricted permanents which goes to the more commonly known as the hot trucks. And then there are the restricted permanents that are issued to cold trucks. Over the last few years, we have continued to monitor the mobile catering regulations in other cities and the state, specifically looking at dallas, fort worth, san antonio, houston and even nearby lakeway. And compared those regulations to what we have here in austin. Unfortunately there continues to be severe health, safety and environmental concerns that remain unregulated by austin. This evening we have provided you a packet that includes a side by side comparison of some of those regulatory practices from other cities as they compare to austin. Based upon our research, we have identified approximately 42 regulations impose bid other cities on mobile catering businesses that are currently not required here in austin. Some of those include proof of liability insurance, requirement for written documentation of daily commissary use. No log requirement by the mobile unit operator documenting the date of servicing by commissary operator. No sales tax permits required. Requirement and the use of retention tanks and grease traps. There are no grease traps installed in most of the car washes where many of the mobile catering vehicles are actually being cleaned today. No requirement for proper ventilation. Requirement of the low propane gas permit. No requirement for written documentation of itinerary for truck routes. No requirement for both electrical refrigeration and heating standards. No requirement for written permission to utilize restroom facilities at work sites for use by employees of mobile food preparation vehicles. Finally let me conclude my comments this evening by showing you a few examples of how austin remains vulnerable to health, safety and environmental concerns by some of the current mobile catering operators. And I have some pictures that I think we're going to pull up here in a second. First there is an example of a wash bay violation where you see the use of public car wash facilities being used by commercial vehicles. This is basically constitutes illegal disposal of grease and water tanks, not to mention the environmental impacts on our watersheds and not to mention the water out take from the car wash facility. On the next slide, please. Here you see a violation of heating and cooking, of unapproved heating device. Yes, that's actually a stove on the back of a truck here in austin. That also constitutes an unimproved instruction of a -- construction of a mobile catering unit. Here you see is the actual propane gas that is attached or fixed to that stove that you saw in the back of the truck. That constitutes a non-approved propane storage for a mobile catering service and then not to mention the storage itself is non-compliant. Pror tools for regulating, maintaining and checking required temporary to make sure it maintains health standard. And lort picture there shows an example of a bent exhaust ventilation vent system there. So over the next couple of weeks and months, we would like the opportunity to visit with each of your respective offices to discuss some of these issues with the hopes of maybe bringing forward a process where we can address some of these concerns. I'll be happy to answer any questions. [One moment, please, for change in captioners] trying to survive in this industry right now is quite difficult with the practices that are going on at the health department is not addressing -- been trying to address these issues for over ten years. After this we have to see if we can get help from the council. Appreciate your time this evening. thank you, mr. ramsey. Questions from council for forramsey? , Council, that's all the folks who wanted to give us testimony regarding mobile food establishments. Are there any other citizens that would like to give us testimony on this public hearing? Thank you all. guernsey, so questions of staff, council? Comments? guernsey, the saldano showed us are pretty blatant violations, remind us, what is the -- is there a staff review going on, perhaps, or --

mobile food establishment, there's no permit, whether it's based on a particular location or a movement that would go through, like, a building permit review or get a temporary use permit. That was the practice many years ago, but is no longer. It is enforced by our health department if there is -- if there is a violation that might occur on a particular property, we might have our solid waste services code enforcement division go out and look. If there was a code violation for a proximity, maybe operating too close to a neighborhood, but I did get a copy of the packet from the gentleman, I'm going to share this with david lurie with our austin county health department, representative and director, and bring those items to his attention and see if we can take care of some of the issues that have been brought up this evening, because those do appear to be violations of our codes. council member martinez? I just wanted to suggest that we put this on the next public health services subcommittee and give an update to that committee if at all possible. I'll pass it on to david. thank you again. Council, further questions, comments? If not, I'll entertain a motion regarding this public hearing. Motion by council member morrison to close the public hearing and approve the ordinance on all three readings. Seconded by council member cole. Further comments? Hearing none, all those in favor please say aye.

Mayor wynn: aye. Opposed? Motion passes on a vote of 6-0 with mayor pro tem off the dais. Thank you all. So for folks that are planning their evening, that leaves us with two public 63 is the continuation of the public hearing and potential approval on second and/or third readings of what we generally refer to as the waterfront overlay. Again, we have about 13 folks who want to give us testimony. If everyone speaks for their allotted time it would be about an hour's worth of testimony, and then i suspect there would be council dialogue after that, probably a brief staff presentation, and then on 61, the public hearing regarding the bicycle plan -- remembering, that the legal advice is that we aren't prepared to take action tonight because of a qu in a level issue that I suspect will be fixed by our next meeting, the 11th, but we do want to be respectful of everyone's effort to get down here in time tonight, and so our recommendation is that we conduct the public hearing, only. There is 40-some-odd speakers to speak. There's a couple hundred folks who signed up not wishing to speak but giving us their opinion about whether they're in favor or not. If all those folks were to speak and use all their allotted minutes, there would be about 220 minutes' worth of testimony. So you can do the math yourself, figure out how long we might be here. So again, I -- if I had to bet, I would think that we're going to spend the next hour or so receiving testimony and deliberating the waterfront overlay and then we will conduct the public hearing regarding our bicycle plan immediately thereafter, so if you want to take a break or take a walk or get some fresh air, you're welcome to do that. So that brings us to item 63, our public hearing regarding the -- the continuation of our public hearing and potential second or third reading on what we call our waterfront overlay combining district, and again, welcome a brief staff presentation. Good evening, mayor and council. Robert heil with neighborhood planning and zoning. This is item 63. It's a continuation of the public hearing, and to approve on second or second and third readings the ordinance amending title 25 relating to the waterfront overlay combining district, in chapter 2-1, relating to the waterfront planning advisory board. We -- you have held part of the public hearing at a previous council comege. Council meeting. The ordinance that was part of backup reflects the actions you took approving it on first reading, and staff is available for -- for questions from council but we don't have additional council presentation this evening. thank you, mr. highly. Questions of staff, council? Comments? If not, then I recommend we just continue along with our public hearing. Looks like the

same folks that gave us testimony the first time around want to give us additional testimony, and we will just take these -- I'll just take them in the order that the computer tells me they've signed up. Our first speaker is mr. jeff jack. Welcome, mr. jack. A number of folks wanted to donate time to you, and i know the last time you got a number of folks that had sort of a sequence of testimony. You're welcome to do that or switch around or -- thank you, mayor. Tonight we have a lot of other people here that want to have an opportunity to speak and I'm going to speak to save town lake just a just for a moment, and how many people signed up for me? yeah, so, per our rules, the maximum number of folks, four people, have offered to donate you their three minutes, presuming they're all here. So is gardner sumner here? Welcome back, gardner. How about -- looks like devota swinson? I'm asking because our rules are you need to be present in the chambers in order to donate your three minutes to a speaker, so we try to follow those rules. Devota swinson. How about jean mather? I saw her earlier. Welcome back, jean. And steward werbner. Stewart is here. Stewart werbner. Sorry, I don't see stewart. So that leaves you with up to nine minutes if you need it, and you'll be followed by patricia seeinger. Thank you, mayor. I don't think I'm going to need all of it. Last time that we were here I think we hit most of the points that we wanted to make, and I'm really here tonight to speak for somebody else. Last time we had a public hearing there was a comment that was made about the folks that opposed this ordinance, that they had found a member of the town lake corridor study task force that had created the guidelines for creating the waterfront overlay ordinance back in the '80s who suggested that the ordinance needed more flexibility. Well, we were fortunate to ray reese who was the chair of the town lake corridor study, and he has sent a letter to you, which I've just passed out, and I'd like to read it into the record. Honorable mayor and city council, greetings from rural italy where I'm currently living and working. I am an austinite, and i look forward to returning to austin and tramping around the lake again. The lake formerly known as town but now called lady bird. I was chair of a council appointed town lake corridor task force in the mid 1980s. As such I helped write the guidelines that led to the waterfront overlay which you are considering at your meeting today. I learned just recently that the original language and provisions of the overlay had been substantially changed for the worse under the guise of a document simplification. I am appalled that something like that could happen in austin. It smacks of stalinism, a rewriting of history, for reasons of political and economic gain. You have the opportunity to repudiate this embarrassment by restoring to the overlay the language and purpose which was first endowed by the dedicated citizens and city staff who painstakingly drafted it 23 years ago. I urge you to do so without compromise. Since the original overlay was itself a product of compromise. I argued at the time, for example, against a maximum height allowance of 96 feet. I suggested 72 feet, which is the standard in similar situations in europe, because europeans demand human scale in the buildings around them. I urge you in particular to take no exception in the overlay for so-called pud's. The original document made no such exceptions. It was written with the understanding that the public space and the lake corps der not available for any price. And a pud is a way of buying out the intent of the city code. At the very least, if pud's are to be excluded, you should require a super majority council vote for their approval. Just as barton springs is the soul of austin, the lake corridor is the heart of austin. It is sacred and irreplaceable. I repeat that it shouldn't be for sale at any price. Thank you and warmest regards, ray reese. [Applause] while the overlay was worked on over 23 years ago, i think by the emails that you've seen -- and by the way, the city's length of stay was down for a while, so you probably didn't get all the emails you might have gotten today, but you can hear the community out there say, let's protect this

lakefront. We've all said it. We think it's special. We need to protect it. reese's point is that back when we did this we already decided to make some compromises. Let's stick with what we've got. Let's make sure that it holds fast, and let's make sure that the waterfront stays as beautiful and scenic for today and for tomorrow. Thank you.

Mayor wynn: thank you. [Applause] council member morrison? jack, town lake, and I think a lot of people know that there's a pending lawsuit that's currently sort of on hold, and I wonder if you have any comment as save town lake about the outcome of this action by council and what kind of reaction regarding -- with regard to the lawsuit save town lake might have, if you -- whatever you might be interested in sharing with us. Well, I appreciate that. As I think the council knows that save town lake is in litigation with the city with regard to the 1999 recodification of the land development code due to the fact that we believe that it violated the state statutes on open meetings. We put that lawsuit in abeyance to give the waterfront overlay task force an opportunity to work through this problem and to make recommendations to you. The recommendations of the waterfront overlay task force are very clear that the intent would be to put back the regulations that were in place in '86. If that were so, then our lawsuit would have no merit at the time because we would be back to where we should be. The issue of the pud's complicates it a bit, because the original ordinance very clearly said that the waterfront overlay superseded all aspects of the code, including pud's. Therefore, that presents a problem to us in our litigation, that we would hope that we could have a solution that didn't require us to go forward. However, we understand that the council has created a new pud ordinance. It's supposed to be sprong stronger than the old one. We believe that if that is the case, that any project that truly was a significant community benefit that could be so great to require a waiver of any portion of the waterfront overlay, would require a super majority, and if the council so decided to make any pud that requires a waiver to the waterfront overlay, requires super-majority, save town lake would feel comfortable in withdrawing our lawsuit. thank you, mr. jack. jack, council? Council member shade. one of the jobs of this -- of the new -- one of the -- I guess it's section 24, part b, is directing city manager to provide recommendations on whether pud's within the -- should be required to meet additional requirements. This will be a task of the -- is that right, that this will be a task of the board and the staff to be looking at pud's and whether or not they may be -- how they may be -- how they fit into this waterfront overlay now that we're looking ahead instead of only behind? Well, I think that is a clear charge that is laid out, but we don't know what the conclusion of that will be. but it will involve a public process and it will involve the opportunity for people to look at this issue much the way that people -- I mean, your -- the task force did not get to address this issue. That's correct. so they didn't get to look at the bonus provisions and that is going to be part of the charges of the new board. And on behalf of save town lake certainly well we would be willing to wait and see if we end up with doorns that's as strong as -- ordinance that's as strong as what the citizens had in '86.

Shade: that's great. Thank you. thank you, mr. jack. Our next speaker is patricia seeger. Welcome, ms. seeger. You too will have three minutes. Good evening, mayor and council members. I am patricia seeger and tonight I'm here represe 2222 come coalition of neighborhood associationsment we are also known as cona. We are a group of 7 neighborhoods between 2222 and park corridors. We have over 3,000 households that I am representing tonight, and i am here to tell that you we care about town lake. We care very much about town lake. There is some rumor going around that this is the central austin

issue. I assure you, we in the northwest care about town lake. We hike, we bike, we canoe, we picnic and we just go there to enjoy the natural beauty. Tonight when you're looking at the recommendations, please consider saving this lake for all of austin and its visitors, not just for a few but for everyone that could possibly come and enjoy this little gem in the middle of our wonderful city. That's all I have to say. Just remember, all of austin values town lake -- I'm sorry, lady bird lake. Mayor wynn: thank you. Oh, did I say town lake through that? I'm very sorry. Lady bird lake. And one other thing. This is one lady we're saving. Thank you. thank you, ms. seeger. [Applause] our next speaker is daniel yanes. Welcome back. You'll be followed by scooter cheatum to be followed by melissa hawthorne. Thank you, mayor. I'm daniel yanes, and i coordinate the review committee for the govalle neighborhood. My neighborhood is river bluff neighborhood association and we are on the north shore of the river between pleasant valley and 183, so we're very much interested and concerned in what happens with not only town lake but the whole river corridor. I want to tell you that I'm a performance artist and i have a studio on the east side. It's a very big room, wide open because we dance, practice there, music and everything, and when people go -- come to my studios, they start running around, especially children, because it's wide open, it's a big space, but then people always also say, you know, i have a piece of furniture that would look beautiful right there in this space. Well, I have to keep it open in order to live and work in the space. What I'm saying is that whenever there's an open space there's a tendency to plug it up. So town lake is no different. Beautiful, wide open. That's part of texas, wide open skies, different from any other place. It's not only a recreational place but I know that it's -- it also has to do with mental health, our mental health and our spiritual health. So the green, the open space, the fresh air, the lake, the views, then for the well-being of austin. So similar to my studio, because it's an open space, everyone always wants to clutter up, and that's -- clutter it up, and that's the wrong thing to do. So I'm suggesting to you-all that you strengthen the waterfront overlay ordinance, and actually, i take a much harder line than mr. jack does. I think that there should be no exemptions to the waterfront overlay. It is part -- it is one of the tools that protects our section of the river in my neighborhood, in my neighborhood plan. The waterfront overlay has protected overdevelopment in my area time and time again. I would hate to see that lost in any part of lady bird lake. I love to say town lake. [Laughter] and just as a parting thing, mayor. I know that you're outgoing mayor, and I appreciate the service that you've given. I don't always appreciate like your votes but I like you as a person and I think you've been one of the most fair mayors since frank cooksey, and I appreciate that. [Applause] thank you, our next speaker is scooter cheatum. Welcome, scooter. You will have three minutes to be followed by melissa hawthorne. Good evening, mayor and council members. We've heard from the northwest, now from the northeast. I'm here tonight to speak for the northeast austin business and community alliance, which is made up of businesses, neighborhoods, churches and schools, leaders in those parts of the community. We've been following the progress of the waterfront overlay issue for some time now, and conducted a vote on february the 28th, 2009. Motion passed unanimously to of save town lake organization and uphold the height, in the original ordinance as well as the other aspects of the ordinance and once again there's a broad group in northeast austin who use lady bird lake and many who have been here for most of their lives, 30, 40, 50 years, and have lots of experiences there that they cherish and I sent you a letter several weeks ago reinforcing -- reinforcing this, but I want to just read to you for a minute the last paragraph of the letter. Lady bird lake is our most cherished open park, and it is a defining element in austin's character. Scenic vistas and parks in austin should be measured differently than those in distinctively urban cities like new

york, where multi-story buildings march along the central park. In austin the interwoven elements of the winding colorado river, deep-cut cliffs and escarpment and extensive bottom lines define a topography different than anywhere in north america. It beckons. Please safeguard this gem. Thank you. Thank you, mr. cheatum. [Applause] mayor, council people I appreciate your time and i hope this isn't going to be the longest three minutes of the evening. I got to austin -- I lived in houston and I'm not a big fan of the hard edge and i came down here in college and I came up here for the weekend and I went home and packed everything I owned and moved here the next day. I loved it. I remember coming downriver side drive. I got pulled over because i was gawking at the lake. we still have the video of that arrest, by the way. [Laughter] excellent. I think that was before the traffic cam. So I was really lucky to be on the task force that looked at the waterfront overlay ordinance. It is a very complicated piece in that it all works together, and I'm also a member of the barton hills neighborhood association committee on area development, and I believe you got a resolution from the barton hills supporting the majority report of the overlay task force. You know, I'm probably one of the more liberal members on the majority report side. I like everything, but I do see a great deal of value and balance here at the lake. It goes through wide ranges and sections of topography and uses, and they're all different. All the little subdistricts are different. I think they're -- once the bonus provisions are created, that there will be some incent for a real community benefit that are not just dressed up code requirements offered in the terms of community benefit. They'll be real. You know, the trail going through as opposed to just tokens, and I think that often that we look at things -- I know that when i was on zoning and platting commission, that there was at least one variance from waterfront overlay, if not two, that I was on the yea side to approve, and now that I see them, you know -- until you see something sometimes that full-scale model, you really don't realize the impact, and when you talk about some of the taller buildings, those are buildings that will outlive us all. I mean, you're not just talking about our lifetime, you're talking about our children's lifetime once you get a hundred year building up there. And I really hope that you guys support the lake and support some of that passive space as well as the balance of building there. Thank you. thank you, ms. hawthorne. Our next speaker is bobby rig by. I'm sorry I didn't say that earlier. You too will have three minutes to be followed by sara campbell, to be followed by steve beers. I thank yous. I'm bobby rig by. I just wanted to -- I won't take the full three minutes. I wanted to point out that the whole reason why lady bird lake is so important is its -- that its proximity and the resulting density issues from encroaching on it have everything to do with where downtown is and of course downtown is there because of lady bird lake. So it's the actual main reason, and it's kind of pegged its value. So I think the biggest issue is the pud being able to -- being able to have the pud trump the waterfront overlay is, I think, a mistake because a pud would be something that you can create a comprehensive plan, ten acres is required, i think, but -- and there's going to be improvements on the pud ordinance, but i believe that the lady bird lake is something that's so big that the plan for it, the waterfront overlay, is much more comprehensive. So that's my main point. Thank you very much. thank you, bobby. So sarah campbell. Welcome, sarah. Let's see, is tony house here? Hello, tony. Welcome bark. Sarah, you'll have up to six minutes if you need it to be followed by steve beers. Okay. Thank you. I think I will not need six minutes. My name is sarah campbell and I'm the president of the south river city citizens neighborhood association, which is bounded by south congress, the lake, ih-35 and oltorf. We have roughly 3,000 households in our neighborhood association boundaries, and we have the stretch from congress avenue to ih-35 of the lake within our boundaries. And this boundary along with the iroc neighborhood area to the east are

really two of the most vulnerable areas for redevelopment presently. Srcc voted in full support of all waterfront overlay task force recommendations several months ago, and we believe that no part of the code should be allowed to trump the waterfront overlay. I've said this before but I'll say it again because it was a long time ago, austin is really lucky to have the waterfront that it does have and public ownership. So many older industrial cities in this country had to buy back waterfront land that had become derelict industrial uses. These are cities mostly on the east and west coast and working rivers like the mississippi and missouri, where derelict industrial uses had to be removed and converted to public parkland at great expense. We don't have to make -- we don't have to let that happen. We can acquire and maintain and keep this open area now. We don't have to make that mistake. Also, since we aren't -- we didn't develop as an industrialized city, we -- we don't have a lot -- I'm sorry, I'm getting off track. Anyway, we don't have a lot of old infrastructure to remove, but we also don't have to allow too tall buildings for our pud's to trump the waterfront overlay in order to get too tall buildings when we've got a code that keeps height at 96 feet. Thank you very much. thank you, ms. campbell. Steve beers, welcome, steve. You too will have three minutes to be followed by lofton smith. Thank you, mayor, and thank you for your service to our city. I hope you have a -- good luck in everything else you do. I have no prepared remarks, but having heard some of the speakers here I wanted to point out that when this lake was first conceived, when actually it was first dammed up in that part of the colorado river creating the lake, my understanding is it was basically a disused floodplain, a very trashy area, not an attractive area. It was because of the vision gauge crenshaw, among many others, that created in gem of a public area. I think what we've seen since then is that you can make a lot of private profit and create a lot of private value but crowding in close to the public area, and I think we also see that without orderly regulation that the public space will tend to be privatized. If they don't take land out right, they'll block access to land, and they'll be leapfrogging one building taller than the other blocking its view. So I think that the problem is clearly laid out. The solution was laid out back in the '80s, but then we had that inadvertent repeal, which I understand it, this is a restoration of previous law in substantial measure. But I think we've learned even some things since then, which is that this -- the price of keeping this thing is eternal vigilance, and that it will always have eternal pressure. As long as there is that buck to be made. So perhaps with the experience of the last ten years where we see not just tall buildings on town lake shores but encroaching on zilker park and so forth, is that we need a structure that -- when there's the hurricane of money blowing through, that it can bend but not break, not be too brittle. So I think it's illusion to think that you can decide case by case exceptions under such pressure, so i would really urge, if you do leave pud's in this ordinance, that you have the super-majority requirement, that there be 6 out of 7 votes, so that they have to meet a truly superior bar in order to get any sort of exception. And I'd also urge, like, as -- you know, after today, that you look at things like, perhaps, transferring unused height allowances out of the waterfront area, maybe look into that, or look into ways of retiring them with some sort of incentives, because this is what we have and we need to take care of it. Thank you.

[Applause] thank you, mr. beers. Let's see, so laughton smith. Hang on, mr. smith. You'll have up to six minutes if you need it to be followed by shelly meyer. Thank you, mayor wynn and members of the council. I'm speaking to you tonight representing the river walk condominiums at 500 east riverside drive. To be respectful of your time and avoid redundant messages it's my privilege to speak to you for our entire homeowners association tonight. Thank you for the tonight to speak regarding the waterfront overlay task force and its recommendations. I'd like to recognize the work of council member martinez,

his staff and the task force for the work they've done on this project. It's been 23 years since the 1986 code was written. And ten years since the most recent interpretation. Much care was taken in each of those instances, and martinez' efforts with our continued discussions, we will make for a current and fair code with which to work. Let me briefly show you where we're located on the map. The map shows you our complex, which is pretty [indiscernible] centered. The 500 a is the east riverside address. I-35 would be to your right and south congress to your left. Travis heights would be to the south and obviously lady bird lake would be to the northwest. We have a diverse community of 142 homeowners, many different ethnicities, professions, ages and life-styles, some who have recently moved to austin and some who have lived here for 20 plus years. Those who have bought here did so for many reasons, not the least of which is long-term property value. As a board we have met with nearly all of you individually and in some cases your aides in the last few days. Meetings have been very productive and you've expressed concern over our position and optimism that we will reach a compromise. For that we thank you. Generally we're supportive of zoning heights around our lake so as to encourage the best development for the citizens of austin and to continue in the community use of our natural resources. However, we believe that by adopting the recommendations as written, the city is foregoing future community benefits forever. You can show the second slide, please. This diagram is the same shot, the same angle, the colors that it a little bit difficult to read, but -- let's see. What's the best way to describe it without pointing at it? The top left hand portion you show a white space. That's basically the center part of our complex. The green to its north is the 100-foot setback coming off of lady bird lake. To the south of that white space is the community setbacks that would require any sort of development to have because of the travis heights neighborhood to the south. To the west is east bouldin creek and to the right is the property owned by the county line restaurants and that office building. The reason I show this is to your left and across the creek is the cws development, which last year was approved as a 96-foot height variance. Just across the river and to the east is where we are, and we, according to the task force recommendations, would be at 45 feet. So even if you were to double our current 45 feet, we still aren't at the 96 feet, which cws was granted last year. And this is really all that we're asking, an additional 51 feet of space. If we were for some reason to redevelop or if some natural disaster came through and eliminated all of our buildings, we have either we build back in the current footprint, which you have the yellow buildings, the red buildings throughout, which then stay in that waterfront overlay, or we can redevelop according to the various zone heights and variances, but in doing that with a 45-foot height limit, it really limits a developer to do any sort of good work, and the city then loses that 100-foot setback in that park space, which could then be donated to the community. In addition, you also lose impervious -- the potential to remove impervious cover from our property, which a lot of our property is either building or parking lot, unfortunately. We were built in 1971. So that's basically an overview of the property itself. In our meetings with you the last few days, we were pleased to learn that consideration has already begun regarding our situation, and that tonight's meeting is only the second reading. That allows us three weeks before the next council meeting to continue our productive dialogue before the third and final reading. We look forward to that. Tonight we would like to make a specific request but before that we must recognize the initial discussions regarding the possibility of pursuing a pud as an alternative. We do not see pud development as an optimal solution, as we would face a significant uphill battle in this case. Before we could discuss preferred elements, such as lead green building design or donating additional land to the community, your commissions and the council would have to bless a

property, which is ours, that is half the size of the required ten acres that have already been established. So tonight our request is to establish the waterfront overlay board and have them look at specific cases where significant discrepancies exist between zoning heights of adjacent properties, 96 feet and 45 feet. In order to focus those efforts, establish a guideline that would target these rare cases. One such percentage mentioned in our meetings with you is 75%. That number has not been validated to determine its effectiveness outside of our circumstance. We do believe 75% is a good starting point, however. To conclude this issue is a river walk condominiums issue, but it is just as much a city of Austin issue. If the ordinance proceeds as currently recommended, the city loses the opportunity to gain parkland, to eliminate impervious cover and to improve the quality of life for its citizens. At the last council meeting Elinor McKinney spoke of the elaborate overtimes embraced in it in the city of Portland in cases such as this. We ask you to work with us and develop a fair solution for all of us. Thank you. Thank you, Mr. Smith. Smith, Council? Thank you, sir. Let's see, I had called Shelly Meyer earlier, so Fred, you're our next speaker, and let's see, also Lisa Tucker was willing to donate time to Shelly. Is Lisa in the room? Schmitt, you'll have up to six minutes if you need it, followed by Jose Conter. Thank you very much, Fred Schmitt here, a wee bitty lady birth lake waterfront property owner and also river walk condominiums in the Travis Heights condominiums in the overlay zones. I was also one of the early org, and I am a vocal supporter on the intense behind the levels task force work. Thank you for your thoughtful discussions and communications over the past week, on goals of mutual benefit we're trying to achieve. Clearly there are many things about this ordinance that are commendable but there still remains numerous problems in the details as currently written which require further work. It has been confirmed that an examination of the entire waterfront overlay area on a subdistrict by subdistrict basis, to include discussions with affected property owners for the purpose of rejustifying the 1986 ordinance subdistrict conclusions was never in the charge of the waterfront overlay task force. During their recently completed nine month review. It's not their fault. It just wasn't in their job description. The task force was only charged with a language comparison between the '86 ordinance and the '99 rewrite to identify the inconsistencies, which is the Jeannie that is now simplistically trying to be sweetsed back into the 1986 bottle. But fast-forward 23 years. Austin is a whole different city now in 2009 with new people, a new skyline and yes, a new waterfront landscape too. The separate -- it deserves the scrutiny by of of a subdistrict by subdistrict detailed review. We need to validate that the 1986 provisions make sense today, certainly and especially in each area where the proposed action would have the negative effect of unilaterally down zoning properties and removing incentives and opportunities for the city to achieve new community benefits, as in the case of all lake zoned properties, like river walk. The city would be wise to make absolutely certain it is prepared to walk away from any and all potential community benefits that might be gained from reserving reasonable and responsible height options, but still in keeping with the 96-foot or lower maximums as is the intent of this ordinance. This review has not yet been done, and it really should be. For complete clarity and understanding rather than simply accepting the thinking that existed in 1986, which might no longer make complete sense today. Speaking just in reference to our property alone, in 1986 there was no initiative to negotiate and extend the town lake trail eastward from its current terminus, but that opportunity still exists today. 1986 Riverside Drive has not yet been designated a primary traction corridor to the central city, with an exciting urban rail project, plus bike lanes lining up to try to take their place along four lanes of traffic and a sidewalk on only one side of the street. Yet that opportunity is actively being pursued

today. So there really needs to be thinking about preserving options for the future, a future that really is already very much unfolding before us right now. Currently, however, these pieces are all rather disconnected. Different departments and different consultants are each managing the different projects, yet the same subject properties are affected. Hours is one of them. Even ahead of any potential future redevelopments of the river walk side, none known or planned at this time, today we have the boardwalk project actively in design on the riverside but not yet under construction, so there's still time, and there is a dedicated median urban rail project on the riverside drive side, plus the new bicycle plan that you will be deliberating, which designate riverside drive as a primary bike route with a dedicated bike lane. Who at the city is looking at all of these colliding factors in their totality. We, including the city itself, are seriously in need of intelligent and substantive dialogue now to move toward a win-win scenario which is not currently shaping up with the ordinance. Restrictive covenants are one potential tool that has been suggested. Perhaps that could lead to avoiding the big unnecessary investment of the boardwalk over the river while at the same time determining and reserving the space needed to accommodate urban rail and bike lanes through the redevelopment of the riverside corridor. Please approve only the reestablishment of the waterfront overlay advisory board with this ordinance as it moves forward, and then assuming the board will be made up of knowledgeable, reasonable, balanced representatives from all key perspectives, charge them with the thorough review of further subdistrict level details. At this time that means removal of the ordinance as written today the section 25-2-713-a-3 on variances, which states with respect to subdistrict regulations, quote, accept that no variance may be granted from restrictions on maximum height as well as part 8 through 20, until such time as those subdistrict detailed can be thoroughly reviewed. Also please add to the purpose of the wpab in section 2-1 already 187 b, the review of any and all development within the body of lady bird lake itself. Such projects would and should necessarily include the city's own underdevelopment boardwalk trail extension project, any similarly proposed construction within the river itself or its islands, as well as the absolute need not too far down the road for a pfleger style pedestrian bridge alongside longhorn dam to enable the expected flow of pedestrians at the lake to cross safely between the north and south shores without traversing on the dam itself. Thank you for your time and deliberation of this further complex issue. thank you, mr. schmitt. schmitt, council? Thank you, fred. Jose cantero, followed by roy waily, followed by nan clayton. I'm jose cantero with the greater east austin neighborhood association. The fact of the matter that I was not aware of this particular item and the issue that faces me or the communities that wemp never even informed or given a courtesy letter to the neighborhood. Other than we know that you have the grapevine newsletter that's put out by the so-called cesar chavez neighborhood plan. It's not really that because there's not really any hispanics participating in that plan. It's actually people working under the direction of watson and hopefully in the future we hope that not only will you pay attention to us people that are not -- are not satisfied with what's happening in our community, we're -- this is the jewel of east austin, the lakefront. This is what I call chicano park, okay? You call it lady bird lake, but it's chicano park. We're probably one of the only cities in the united states that has this type of jewel. This is where we were raised. But the controversy has always been the holly power plant. Now the fact of the matter after years of years of discrimination, the what's happened to the holly power plant, now is fixes -- i mean, bringing down the holly power plant, now the agenda for the city council is to create more condominiums in the neighborhood. That's what happened with the smart growth. This only is going to increase higher taxes for our neighborhood, and it seems that the manner

of this issue has always been, you do not support poor people, and this is a poor neighborhood. The fact that I was in the austin energy meeting regarding this -- this comprehensive plan, they did not consider east austin as downtown. We're not part of you in downtown. We don't make the money and we don't have the finances to promote this kind of initiative in this neighborhood. So I'm asked you kindly to back off and think what you're doing. Our income level in this neighborhood is \$10,000, and for us to start recognizing that these type of condominium coming in that's going to increase property values and drive us out immediately. And also it's an insult to see these condominiums built around our neighborhood and the only reason they're keeping them from crime prevention is you haven't put barb wires on tops of the roof. So they look like penitentiaries. If we had single member districts this would not be happening. Just remember, we're the only city in the united states that doesn't have single member district. Now, that's a big question you should ask yourselves, how soon we should have it so we can protect our neighborhood. Thank you, mayor. thank you, mr. cantero. Roy waily. Welcome back, roy. You'll have three minutes. [Applause] I haven't said anything yet, you-all. Settle down. [Laughter] I think it's your outfit -- oh, yeah. I'm styling, baby. My name is roy whaley and i serve as the vice chair of the austin sair sierra club and I am speaking as the chairman of the austin sierra club this evening, and I'd like to state first that the sierra club is pro density. We do believe in the power of the tool of density. We're anti-[indiscernible] and particularly over the aquifer. This is an opportunity to either preserve both or lose both at this time. We can continue to let unmitigated sprawl go across the aquifer and our black land prairies in eastern travis county, et cetera, and we can also throw away the town lake or lady bird lake that we have right now. We're pro-density but in the right places, and this is -- this is -- I don't want to get into golden gooz -- or geese and golden eggs, but once it's gone, it's gone, and we have the opportunity now to sa, your bonus is that you're building on the shores of lady bird lake. You are going to build in the best part of austin, right here, and you'll always have that value. So we don't need to give anything -- they did not give bonuses to get people to move to sutors mill in 1849 in california. The money is already there and there will be a good profit there for whoever does that work. We do need to take consideration -- I'm saying take it as no amendment as proposed. And as far as the pud's, well, a super-majority can take care of that, and i think the riverside -- or river walk is a prime example of that. If you-all can sit down and see that there is a clear community benefit to changing that, then it would take the super-majority to grant that, and not some code that could be -- it's not a one side fits all situation. So you're the representatives, you-all have that responsibility, and not just you, but whoever follows you. I mean, they will have that as their temp let, to look at what really does constitute a clear community benefit, camping at 96 feet, but that would be the way that sierra club would like to see that go. And I appreciate your time. Thank you very much. thank you, mr. whaley. Let's see, nan clayton is our next speaker. No questions? questions for mr. whaley? No fashion advice I can give you? No? They make this in your size, mr. mayor. I'm sure they do. [Applause] welcome, nan, you too will have three minutes to be followed by steven title. Thank you, mayor and council members, thank you for giving me this opportunity. Having been here and participated in the 1996 ordinance, I'm very much in support of that one. I think it is a -- something that is important that we really don't need to keep changing our mind about. Let me give you a graphic example. If you haven't been to portland, oregon, you have certainly heard about it as the city of the future. I was there shortly after they took out the freeway along the river and made it a green area. The city of austin has that green area that they had to remove, and if we go in there and put in buildings and pud's and take it up to where we have a canyon instead of the wide open

green spaces that tourists and people from the legislature and all -- it's one of the first things they mention is that trail along the river, and how much they enjoy it. We have what portland had to remove a freeway to get. Let's not do the infill and do the exact opposite of what portland has accomplished. If we're going to be the city of the future, we must have green space in the inner city. This is here. We don't have to change anything. We don't have to buy something. We've got it. Please protect it. Thank you. [Applause] mayor wynn: thank you. Steven, you too will have three minutes to be followed by ronald murray. Good evening, mayor and city council. First of all I'd like to extend an appreciation or thanks for you-all to extend greater notification to the community. Obviously it has produced many well-spoken and thought-out input. Notification is always good, so thank you for that the other day. Next I have specific items concerning the ordinance. First of all, I'd like to address what the advisory board is. You have listed the advisory board as architecture, environmental protection, landscaping architecture, historical preservation, shoreline ecology, neighborhood conservation and real property development. I would ask that you insert owner or owners within the overlay, that at least one owner be representative - or represented within that plan, other than a developer. Next I would also add a subdistrict. We talk around -- we talk around the lakeshore, lakeshore. We keep hard of hearing about that, but oh keep hearing about that but we never hear about the lake itself. The subdistrict should include the territory within the water, the land under the water and any islands within the land -- you know, within the water. So I would ask that you insert a subdistrict to control buildings and -- anything built -- excuse me -- within that territory. Next I would ask that you define the words "bonus provisions" and "community " I understand the advisory board will work on what those are, but those words are not defined as what they they could be, what is a bonus, what could be a community benefit. And next I would like to talk to the issue, we've heard words like protect the waterfront, the scenic vistas, public views, open space, green space, jewels. We've heard these terms. Well, the greatest danger to the lake itself right now is the boardwalk project. The boardwalk is the highway in the water. How can everyone here talk about the scenic views and protect the land without protecting the water itself. So I would ask that you truly look at the board walk project and reevaluate those structures within the water. Thank you. thank you, mr. title. Let's see, ronald murray. murray, you'll have three minutes. Rond murray. Ronald murray I have a home on the east side of austin. I came to make a specific comment and observation based on views I took of town lake. I just got back from san diego just a week ago. I've been there for two months so I had no idea that this issue had to galvanized this community and hopefully the council, about the height limits and the overlay. I'm glad to see it, but I'm amazed. I thought there would be two people here. So obviously -- excuse me -- it's a lightning rod issue and it's brought out some very articulate and passionate people. My comment is much more strict. When I was -- I was so happy to get back to austin -- by the way, I should tell you, san diego is a fabulously beautiful city, but it is only -- it just barely holds a candle to austin. I was amazed how much i wanted to get back here. Such a beautiful place and i could hardly wait to get here, and one of the first things I did was take my run down the hike and bike trail, and suddenly, somehow or another, out of the ground has grown this ubiquitous concrete slab of some kind of building. I'm not sure what it is, maybe a movie theater, but it's a windowless, doorless slab of concrete and sits halfway between 35 and the dam, the eastern dam. And it's grown up down on the lakeshore with no -- i don't know what it is. It looks like a big concrete casket. So I called the city and asked, what is that building? No one seemed to know. Why is it -- why is it not mitigated with some kind of tree line or some kind of frontage, and what is it about that building that's so important? Because now

wherever you stand or run on the hike and bike trail, that is the thing you see across the lake on the riverside side. So it occurred to me that if we're going to continue building caskets over there, with people parking in front of them, that all of the to-do we're about tonight with the overlay and protecting town lake or lady bird lake, what is it all going to amount to? Now, what I did notice in san diego -- I went to several council members on some other issues -- the grandchildren of the people who protected their main asset, which is san diego harbor, any of us who have been to san diego know that, san diego is a beautiful place with a great harbor -- it -- the impetus to protect that started with the grandchildren of the current planning and zoning council. That's who's doing the job right now, and when people come to talk about an issue regarding san diego harbor, the whole town shows up. It's a lot of people. Well, that's exactly what we should be expecting our grandchildren to be doing about the current lady bird lake. So I'll make one observation. We should not, by the way, have any -- I'm glad to see this overlay in place. There shouldn't be an east town lake or east lady bird lake. There shouldn't be a west lady bird lake or north and south. If it's not fit for construction across from this building on lady birth lady bird lake, then it's not fit for construction cross of festival. That would be my first observation. And my second observation is we certainly have to mitigate, when I called the city, they didn't have any way now after the fact of granting this permit -- they have no way, apparently, to mitigate the back end of this awful looking building. I urge you to take a walk down on town lake on the hike and bike and take a look at what I'm talking about. We cannot afford to let our grandchildren say, well, what were they thinking back in 2009 and 2010, trying to protect large parts of lady bird lake when it just looks like hell? Thank you. thank you, mr. murray. [Applause] gavino fernandez. Welcome. Good evening, council, my name is gavino fernandez, and I come here to testify as a landowner on hasco two blocks north of the waterfront that we're so staunch advocate custodians in protecting that green space because of the neighborhood associations, the beach town lake see parnts martinez, and who the lake was named after by your support. These people took extreme measures to protect that jewel -- that part of green space that you see as you're traveling -- traveling in from san antonio going towards -- towards dallas. To your immediate right you see this beautiful green space of trees and park, and all of that was because of this -- this -- that neighborhood organization took a stand. We not only got arrested, some of our people got beaten up to protect and remove the boat races because we weren't only concerned about the deterioration of the natural space of the park but also of the gas that was being put into town lake. And one thing is I want to thank the rest of the community to finally come and join us in preserving and ensuring that this green space is preserved in our neighborhood. As you well know, it's because of all the neighborhood plans that have been put in place, a lot of it does call for density, and right now a lot of those properties on haskel are being sold and marketed as lakefront property. So we need to be real careful and be inclusive in this five member board, because board, and I spoke before the waterfront board, and I mentioned, I know it's not your fault, but not one of us landowners in that whole stretch, from i-35 all the way to montopolis, were put on that board, not one. So I ask, not you, but i asked my colleagues, my neighborhood associations, the sierra club, if that five-board member -- if you insist that there be a landowner, a homeowner from the north side of the river to be a member of that board. I'm asking you, because you-all are the ones that are saying that you want to be inclusive, and you're coming into our neighborhood, and what we need is for your support, just like you're supporting us now. But you need to go that extra mile on to ensure that representation on this five-member board does include a landowner that has been there and that has lived in this particular area, because we had a

vision of protecting this before it was a cool idea to travel east of ih-35. And we also are working with the holly power plant closure committee, and we just want to make sure that we're -- and we want to thank you, mayor, for your comments in ensuring that that parkland will remain parkland. We want to thank the whole council for that, for your commitment, and we hold you up to that commitment, and we do not feel that you should -- that pud should be exempted. And we should use funds, mayor, to buy from longhorn dam all the way to montopolis. That's one of the beautiful, natural stage green space in this community. Thank you, and I thank the neighborhoods and all the others for joining us and continuing to protect the colorado river, which is now town lake and lady bird. Thank you. [Applause] mayor wynn: thank you. Thank you, mr. fernandez. Let's see, gary -- gary is not clear here whether you wanted to speak. Gary hyatt had signed up, perhaps just to answer questions or to show off your fashion statement. [Laughter] well, I'm sorry -- welcome. So I'll just keep it real short and sweet. I'm current president of bouldin neighborhood association, and last time i got involved with this issue was I think meeting mayor watson for the first time as we discussed ice bats plans on auditorium shores, and that got me involved with me neighbors for the next four or five years, deciding what to do with auditorium shores, town lake park and et cetera. And as I watched the town grow, one of the things we did real well is we're densifying downtown. Folks need the open space, they need places to walk, walk the dogs, et cetera, and you-all are getting ready to kind of pull this all together again, and I'll have to agree with jeff and some of the other folks, that in my mind, part of this was done a long time ago so it's kind of a shame we're having to redo it again, but hopefully you-all will take the time to do this right, because this is one of the biggest assets the city has. Everybody knows the draw, and this is it. And after dealing with auditorium shores and dealing with a lot of developers down there, that was my education for folks that can look out over a green space and see basically an undeveloped spot. And it's like a total different mind-set. I guess growing up in texas, I kind of assumed people need elbow space, and this is the last we've got along downtown, and I don't believe from anything I've been seeing going on zoning-wise these days, that we're contributing back park lands as we develop, like we used to do in the '60s, so I'm sure we're going to come up shorter as we go along. I'll keep it sweet and short. You-all take care of the lake. It's going to be a big deal and our kids will really appreciate it if you do it right and they'll dislike it if we blow it. thank you, mr. hyatt. [Applause] let's see, tom cook. I may have skipped over tom accidentally. Is tom cook here, signed up wishing to speak. Welcome. You too will have three minutes. I won't take your three minutes, probably. I'm chairman of the board and one of the founding directors of save town lake.org. This has been an issue that we've brought forward to the community and have been working on this very diligently for three years, but within the first year i wanted to let you know that we raised over \$150,000 in less than 12 months. I'm sure some of the recent candidates would envy that. We had 1500 donors. We had 25,000 hits to the web site. It was very easy to galvanize the community behind something that the community holds so sacred. So I was proud to be a part of bringing this forward and making -- playing a part in making the community aware of kind of what had transcended -- or transposed since the '86 waterfront overlay. We are supported by a vast majority of community organizations, and in an unprecedented move the travis county democratic party pre-empted the planning commission and came out in support of the '86 waterfront overlay. I wanted to tell you one of the most effective tools that we used was an independent poll that overwhelmingly showed that likely voters supported the setbacks and the height limits, and probably the most important question in my mind is that that was -- that was posed to the public, the result was 87% of the likely voters in austin

said buy it if you have to to protect it. I think that says it all. People are willing to put their money out there as taxpayers to do so. I kind of looked at this thing when we entered into negotiations with cws as a business proposal, and i think the logic that -- from a business perspective, why would anybody want to develop a property that would be vastly looked down upon by the community, and i think that's what made them come to the table and reconsider pushing the envelope any further. In this regard forbes survey recently announced that we were number one attractive place to come in the down economy, and I noticed in the cnbc version of this they showed the wide open spaces around the lake as they kind of up and down panned down across and to the downtown sky line. So I think it's good business for us to protect this, and to put it in stone so that all developers know what to expect when they buy or invest waterfront, that this is sacred. So take make your jobs easier, to make the community's job and give us confidence that it's going to be protected, we would ask that you approve the ordinance. We'd ask for it to supersede the pud's, if not require super-majority, and let developers know this is sacred. It's only fair to the development community as well. Thank you. thank you, mr. cook. [Applause] so, council, I think that's all the folks who signed up wishing to give us testimony. A bunch of folks signed up not wishing to speak either in support or against, and we'll note those folks for the record. So, council, questions of staff or citizens? Comments? Mayor. council member martinez? thadge thanks, mayor. I want to thank you everybody for coming out tonight, not just for the testimony but all the work that's been put into this. You know, I realize that there are a lot of passionate pleas for wanting to make sure that there are some absolutes in the ordinance, and I understand why, you know, but I really think we have something that is an improvement and that we can work on to continue to improve, but, you know, I've said this before and I'll say it again, I don't believe in any scenario, and I think I've demonstrated this as a council member, that one size fits all. Doesn't mean that I agree that there should be development higher than 96 feet or 60 feet in certain subdistricts that have those limitations, but a pud doesn't supersede the overlay. A pud is simply a tool to make a request. What supersedes anything is a vote of this council, and I think this council has clearly demonstrated where our values are in relation to the waterfront overlay, protecting the shores of lady bird lake, and I think we have something that we can move forward with. Allowing a pud to be requested is simply that. It's a request. We spent a lot of time last year revising the pud ordinance, and we haven't even used it as a tool yet, and so I'm hesitant to add another layer on top of something that I believe is a vastly improved land development tool in terms of the new pud ordinance. Any request via a pud is going to come to this body first and foremost, and if it doesn't meet the intent and spirit of the new ordinance, which creates a completely superior development, then this council has every opportunity to say, you need to go back to work on it. It's not something that we the tear meets the tier 1 requirements and our ordinance. But at the same time there's a pud -- and many people mentioned wanting to create a higher threshold for adopting a pud in the waterfront overlay. But that tool already exists as well, and that is our planning commission. And quite frankly I believe that our planning commission members, you know, give a lot of time and energy as well. If a planning commission votes to not -- not to recommend a pud request, the only way it can be adopted by this council is by a six-vote majority, and that's what I mean by the planning commission is a tool to create that threshold, because if pc denies recommendation, they can come to council, but it has to be voted on by this super-majority that you-all are requesting. So I think some of those tools and hurdles are in place, and I believe that we can continue to protect the shores of lady bird lake but still have the option for request to be made, but it doesn't mean, by any means, that it's a foregone

conclusion that, you know, something is going to be built outside of the subdistrict's height limitations. It just means that you can make a request. And even if we were to create, even if we were to say 96 feet is the max in certain subdistricts, 60 feet in others, 45 feet in others -- even if we did that, it would only take four votes by any future council so undo anything we do here. So for those that feel like if you get everything you want tonight the problem is solved, the discussion is done and this will never have to be dealt with again, I think you're mistaking yourself. This council continues to change, just like we dealt with it in '86, and in '98, now we're dealing with it in 2009. It's not going to stop or go away. But I think we can improve it. And so mayor, I want to just move that we adopt second reading only tonight, and I'll move just so that -- so that we can begin the discussion among council, and second reading would be identical to what we adopted on first reading, but I believe there will be some folks making amendments. So we have a motion by council member 63 to -- I'm sorry, council member, did you propose to close the public hearing? Okay. Then motion by council member Martinez to pass on second reading only that which was adopted on first reading. Seconded by the mayor pro tem. Comments? Questions? Potential amendments? Council member Shade? I want to recognize the work of the waterfront overlay task force and recognize how important it is that we look backwards but also that we look forwards. And I've spent a lot of time with many of you in this room talking about the various issues, and I want to toss up front that -- I want to say up front -- well, I want to say up front I would prefer we not pass this without having the bonus provisions already worked out, but I recognize that that's not really possible. To move the ball forward we have now come up with a way to get a new waterfront advisory board in place specifically to work out the bonus provisions, and they're instructed to do a number of things and I hope that we'll get into a discussion about all the things that they might look at. But understand that while I respect property rights, that's not what's motivating my interest in supporting some future flexibility. It's because community benefits need to be achieved, and I think there -- achieved, and I think Schmitt made a very good case for that. We haven't looked at these heights. We haven't looked at whether there's any other ways to look at variances or community benefits. The community benefits that are discussed and contemplated in 95. Many of them weren't contemplated at that time, we look at now. I think the reason this keeps coming up, I know a lot of you have been here maintenance times on this, is because we still don't have what we want on Lady Bird Lake, and I think that, you know, again, you know, I think that that's absolutely critical that we get what we want, and that's how you -- the provisions. That's the idea behind them. So again I believe there's the missing piece. Not having that figured out yet, I want to make sure we look at when bonuses have been used. We've had some excellent examples of the work of Save Town Lake, really getting into some tough negotiations. I'm not convinced that we have always negotiated the best deals, but I certainly am committed to working as hard as I can to make sure that we do and that we really get the bonus provision piece done right, because this is a crown jewel of our city. But I also want to say that when I've been thinking about this and the idea about the super-majority, there comparison made to the aquifer and the SOS amendment, and I thought about that and he want you to know that I realized that we don't want new development over the -- over the aquifer. So that's -- you know, the bar is set very high, and it's because we don't want development over the aquifer. I think when it comes to Lady Bird Lake, it's a little different because we do want development, but we want it to be development that makes sense for our community as a whole. That includes height, but that also includes pedestrian access, it includes parkland access, it includes, you know, even some of the people in the audience here who are here for bicycle access, and we need the development community's

participation in that, because there's private property, and we have to have a way to get that. And so that's why I really hope that -- I'm really excited about the fact that we're going to put this board in place, and I'd like to suggest a couple of amendments right now with the ordinance. One of those being that in section 24, which is the part where we talked about the city manager being directed to really look at these issues from the '86 bonus provisions -- I'd like to actually insert, to be very explicit that the city manager are -- I want to add in section a -- let's see, explicitly state that city manager will work with the newly established waterfront advisory board, which is not stated explicitly. I would like to make sure that we add that. well, so council member martinez and the mayor pro tem, do you consider that a friendly amendment to our motion? and in addition to that I'd like to also look at the scope of the work of that board, and I think the planning commission made some suggestions about some items that somehow did not get added, you know, and i would like to know, maybe from staff, why they didn't, because I think we were accepting the planning commission's version of this on first reading, but i don't know why some of the suggestions of specific tasks were not added, and i may have missed something, but can you -- there was a whole long list of items that they wanted to be specifically addressed by the task force -- I mean, by the board, and I wondered where those are. The planning commission did make a number of recommendations of items that they suggested the waterfront planning advisory board look at when they develop the density bonus provisions. Those we felt would all be part of the task given to the waterfront planning advisory board when it was created, and we didn't see it as necessarily part of this ordinance, but once the waterfront planning advisory board was named, that that process of naming those members could include a resolution outlining what the council thought that their work tasks would be and what their -- what their scope of work would be. So it was just -- that's where we thought the scope of work for the waterfront planning advisory board would be discussed as opposed to in this ordinance. well, because we are specifically suggesting that they look at whether pud's need to have, you know -- they need to -- if they should be required to meet additional requirements, I think that it would be important to also ask that we include some of the other items. So I mean, I welcome any other suggestions. In particular I'd like to know how to address the loss of the entitlements to the elsmar project specifically, because I got a lengthy email from jeff jack about ideas he had specifically and I know they came up with some of the members who live in that condominium about impervious cover, you know, parking lots and underground parking. I just -- I felt like looking at how to deal with the entitlements and the bonus provisions specifically with those I zoned properties that are too small to be pud's that are in important locations along the waterfront should be explicitly asked to be included. So if we can do that, if you'd ac suggestion. yes, try to -- actually, how to -- so -- providing recommendations on issues, including but not limited specifically how to address the loss of the entitlement to the I zone project. let's -- make a motion, council member martinez, do you consider that to be a friendly amendment?

Martinez: sure. I just want to be clear this is for the waterfront planning advisory board to look at as a charge to come forward with -- right, just like they're providing recommendation on whether pud's within the overlay should be required to meet additional requirements. so mayor pro tem -- and so mayor pro tem, do you consider that additional charge to the board to be a friendly amendment? Council member morrison, comment? there might be some legal wrangling about whether it's a loss of entitlements, because whether certain entitlements existed at a certain time, and I wondered if we could change the

language to that to say something to the effect of change -- change in entitlements. I don't want to build into the language one particular perspective. Maybe we can get some help from legal, but what I was specifically trying to address were those properties where the waterfront overlay, you know, you gave us the comparison and there's a handful of properties here, the waterfront overlay maximum are lower now -- well, they were higher than the subdistricts and now they'll be lower, so I don't know how you want to - - maybe we could say just that, to look at the places where the waterfront overlay heights are less than the base zoning heights. Would that capture it? yeah, that's what I'm real really getting at. That's fine. And in addition I wanted to add the urban design requirement, that they look at how to incorporate urban design, how to -- how to incorporate that into -- design, how to incorporate that into plans that are submitted. again, council member martinez, mayor pro tem, do you consider these additional charges to be friendly? Thank you. So we have an amended motion and second on the table approving on second reading only. Further comments? Questions? Council member morrison. there are two topics that I wanted to talk about. One is the well-discussed pud issue. I think that, you know, generally it's very clear, it's been very well articulated, the importance of the protection of the lake, and I think that it's clear that our community takes that as a value, it's clear that -- I personally believe it's clear that this council that's sitting up here accepts that as an extremely important value, and I really appreciate that it appears that everybody believes that we need to move the ball forward, as council member shade said, by reinstating the limits that were originally in it. I also want to mention, i certainly appreciate the work that was done on the pud ordinance, and that was changed, I guess, last year before we were on -- I was on council, and I do think that it's going to be an improvement to our pud ordinance, but I'm concerned that in terms of wanting a higher bar for changing the waterfront overlay requirements in a pud -- I'm concerned about it being treated the same way as just any other development regulation, because i believe it really is something special. And I have asked several people, some of our best developer minds in the city, to give us some -- to come up with some ideas about what would be some ways, in addition to looking at the super-majority, to put in a higher bar, and I haven't -- I haven't gotten any ideas back. So I think that the super-majority really is something that we should consider. And one -- one thing that really drives me to suggest that we -- we do that tonight as a council is to think of the situation, a scenario where we do have a pud, and a council, perhaps different from us, has a 4-3 vote exceeding the maximum height of the waterfront overlay. That really is troublesome to me, because I think that we're saying that, hey, we're going to know when it's clearly superior, we understand how important it is, and thinking about a 4-3 vote, allowing that to go forward just seems very wrong to me. So I do want to propose an amendment that rather than having the waterfront overlay planning advisory board look at possible ways to impose a higher bar for pud's, that instead that we adopt as part of this ordinance a super-majority requirement -- super-majority vote requirement for pud that would be a variance to the waterfront overlay. [Applause] so we have a proposed friendly amendment regarding the concept of a super-majority vote of the council. Council member martinez? The maker of the motion does not consider that a friendly amendment at this time.

Shade: is there a second? Could I make that as a motion to amend? so we have a motion -- [laughter] but in a friendly way. [Laughter] everybody smiles. So we have a motion to amend by council member morrison regarding the requirement of a super-majority vote of council. and mayor I'll second that. seconded by mayor elect. [Applause] leaf if I could, I'd like to make a brief comment about it. I agree

with the statement made by council member morrison that there should be a higher bar. [One moment, please, for]

Leffingwell: Now, if this should become part of the motion and finally adopted, it's not set in stone. We do have and we've given direction for the waterfront advisory board to go and evaluate the whole question of heights in a p.u.d. This process will go forward. And when they do make that evaluation and they make a recommendation back to the council, I think it's very likely that we could revisit this entire issue when there's another method of ensuring that that high bar is in place. But in the meantime, before that recommendation and that analysis comes forward from the waterfront advisory board and some action is taken, I think we need to have a stopgap measure here to make sure that we don't have an unintended consequence, something that takes place that we can't take back in a few so for that reason I second and I will support the proposed amendment. Mayor Wynn: Again, we have a proposed amendment and second on the table regarding the requirement of a super majority vote of council. Further comments on our motion? Councilmember cole. On the motion to amend. Cole: Mayor, i certainly appreciate the comments and from mayor-elect lee leffingwell and councilmember morrison, but I really support the work that the planning commission does do, and a lot of times they spend many, many more hours on individual cases evaluating their superiority, and i would not expect that to be any different with their p.u.d. recommendations. So I don't think that in this case, even though the waterfront is certainly a crown jewel of austin, that we need a super majority requirement, so I will not be supporting the motion. Mayor Wynn: Again, we have a motion and a second to amend this second reading only, main motion. Further comments on the motion to amend? I'll just say, like all my colleagues, essentially I'll reserve the right to analyze this between second and third reading, but I too will not be supportive of the motion to amend. Further comments? Hearing none, all those in favor please say aye. To the motion to amend our amended main motion, signify by saying aye. Opposed? No. Motion to amend fails on a vote of two to five with the maker and the second shown as voting aye. That takes us back to our main and amended motion, second reading only. Further comments. Councilmember morrison. Morrison: I had one other item I wanted to talk about at the very end of our discussion last time. We added as an amendment part 25 talking about 's that are already -- 's that are already approved in the waterfront overlay. And I gather that it was meant, if I understand it, just to really sort of capture grandfathering 's to ensure 's aren't going to have to -- that are currently approved in the waterfront overlay aren't going to have to be changed to be legal. And having looked at the language, I was concerned about it introducing some ambiguity, so I wanted to add some additional words, suggest adding some additional words to it. So I'm talking about part 25, which currently says property located within a planned unit development on the date that this ordinance is adopted is not subject to the requirements of this ordinance as long as the property remains in a p.u.d. And I wanted to add on to that just to get things nice and clear instead of having it bring up questions later. As long as the property with no major amendments. Subsequent amendments of shall be subject to requirement of this ordinance and planned unit developments approved after the date of this ordinance shall be subject to the requirements of this ordinance. So my motion is to add that language. My request is that.

Mayor Wynn: So we have another -- we have another suggested amendment to our amended main motion adding that additional language -- I'm sorry, I need to -- would you mind reading it one more

time?

Morrison: Sure. Just to add on to the end --

Mayor Wynn: After it , show it ends now.

Morrison: Right. and i want to change it to in "the" p.u.d. With no major amendments. Subsequent amendments to 's shall be subject to the requirements of this ordinance, planned unit developments approved after the date of this ordinance shall be subject to the requirements of this ordinance. So we have an additional suggested -- requested amendment. Councilmember martinez. Martinez: I wanted to know what the intended effect of the language. When you use words like major amendment, I wanted to ask legal is there a definition of major and minor and what are those differences? Morrison: And also if you could talk about the effect of the language as it exists in the draft ordinance. I was concerned about ambiguity. I think I'll defer to my colleague, brent lloyd, who has worked closely with staff or to staff, whoever would like to address that. Robert hyle with neighborhood planning and zoning. ordinance refers to substantial amendments. And those are p.u.d. Amendments, which would require council action. So there is a differentiation in our code between minor amendments to a planned unit development and what are called substantial amendments. Those substantial amendments are ones that would require council approval. Morrison: So maybe i could change the word major to substantial. Martinez: I'll consider it friendly, mayor, on second reading. But I want to look at it between second and third. Mayor Wynn: Understood. Mayor pro tem?

McCracken: I think i ha logistical question, which is that the p.u.d. Ordinance sits outside of these ordinances, so to say that it would ever be subject to -- that a p.u.d. Would ever be subject to the waterfront overlay, that's ordinance works, is my understanding. So I don't understand how -- what this amendment would do, from what I can gather, 's in the waterfront overlay to being subserveient to the waterfront overlay ordinance, which is not currently part of the ordinance. Mayor Wynn: Mr. lloyd? Brent lloyd, city legal. And in general if a p.u.d. Does not address a particular requirement, then the land development code steps in to fill that gap. So essentially if the land development code will apply to the extent it doesn't conflict with a p.u.d. , individual ordinances include some kind of language to the effect that the land development -- to the extent the land development code applies, it applies as existed on the date the ordinance was adopted. Sort of a lock-in provision. My understanding in discussions with stakeholders and staff is that the proposed language as originally formulated in 25 would sort of provide 's that didn't have those magic words in their individual ordinances. So I don't know if that answered your question.

McCracken: That actually helps a lot, for starters. I think that to the extent that councilmember morrison's amendment speaks narrowly to that issue, then that would be fine but I do have a related concern, which are that there are some weaknesses that smz's amendments that -- that councilmember shade's amendment has addressed, which is kind of the lack of urban design, things like walkability and those issues. So to the extent that -- i want to make sure that this -- the waterfront overlay provisions, particularly when it comes to urban design issues, are not -- and their silence on urban design are not weaker than the design standards ordinance that councilmember morrison and I worked together to

create. That probably is some issue to be resolved and give us more details before third reading. Mayor, I saw that councilmember shade had a question. Mayor Wynn: Well, then we're still holding the question as to whether there's a second of the amended main motion, you accept that potential amendment while we hear from councilmember shade. McCracken: Right. Shade: There are two parts to this amendment and it sounds like to me what i just heard is the addition of the word "substantial" instead of major, as you were suggesting, so in other words, your suggestion remains in the pud with no substantial amends, subsequent substantial amendments to such a p.u.d. Shall be subject to the rirpt to the ordinance -- to the requirement of the audience -- the ordinance. [Laughter] there are people watching on tv that -- anyway. But the second part of your sentence, the second question I did not understand, which was what was to be accomplished by this second part. And your words were planned unit developments approved after the date of this ordinance shall be subject to the requirements of this ordinance. What is that about? Can you explain that? And what it is set to accomplish? Morrison: And maybe lloyd would like to add to this, but also my concern is that if we're talking 's in the first line that aren't subject to the requirements in order to be clear that 's in the subsequent 's are subject to the requirement. So if we have to say one, i feel like we have to say the other. They come together. Is that right? My understanding of the intent of the language and the effect it would have from a legal standpoint is that in general when a is being crafted, all elements of the land development code are somewhat in play and can be incorporated into the p.u.d. Or not based on the council's discretion. The language as I understand it would have the intent of putting the waterfront overlay requirements on different footing, that when ordinance is being developed pursuant to our process in title 25 that the waterfront overlay requirements could not be omitted or varied in the context of the p.u.d. Ordinance, is that a correct understanding of your language? Morrison: No, just that they would be part of the 's as always can wave -- a ordinance can always waive, as we're talking about now, the -- any piece of the code. So the intent would be then that the waterfront overlay be factored in as the baseline for purposes of determining whether the is superior development. Is that --

Shade: I think it really bothers me because the idea was that we were trying to make sure that the intent of that was to make 's that already exist exist in their own universe. I agree that if there's a substantial amendment and therefore there's , then that's a different story. I think this does that by adding the words substantial amendment. There seems to be no need to have the additional sentence. I'm not the maker of the motion.

Mayor Wynn: Councilmember martinez.

Martinez: Thanks, mayor. I think I'm supportive of the intent. I think it's just confusing. And mayor-elect leffingwell just tried to give me his interpretation of it, and that is if you have a , one that's existing today, but you make a substantial amendment, it then -- it then becomes a new pud, so to speak, and is subject to the new ordinance and the waterfront overlay. I'm okay with that, but the second part of this is what's confusing me where it says planned unit developments approved after the date of this ordinance should be subject to the requirements of this ordinance. It seems like it takes away all of the tools, all the land development tools that come with the p.u.d. So what I'm going to ask is that the maker withdraw the amendment and I'll commit to working with you on this for third reading so that we can -- I think we're in agreement, I'm just confused about the second half of your amendment and can't accept it

as friendly right now because I'm getting myself more confused.

Mayor Wynn: And my request is if legal could help not only my two colleagues, but all of us just understand the -- the true impact. And it might be that as the requesting councilmember, councilmember morrison, after seeing or hearing that legal analysis, very well may want to adjust, improve, delete elements of that. And if we could have -- i guess my request to all my colleagues is that if we could have any such -- any potential amendments like that for third reading prepared, and where possible have some city legal advice as to the -- where we insert it, what language I think would be best for us as we approach third reading. Morrison: That would be fine, mayor. And that -- part of the problem was that very first sentence that got put in. I think that in the end we really didn't have enough time to -- in part 25 to look at that because we know that it got introduced with a little bit of ambiguity that carried forward. So there's definitely something to correct there and I'll look forward to working with legal and the rest of the folks. Mayor Wynn: Again, so that takes us back to our amen motion. We have that and a second on the table. Second reading only. Of again, what was passed on first reading with some minor additions to the charge for our board. McCracken: Mayor, I had a question. Because it's second reading, it's third reading is JUNE 11th, I WAS OFFERING A friendly amendment to have third reading be back on JUNE 11th. Mayor Wynn: Right. So again we have an amended main motion -- [laughter] McCracken: The mayor and I are both deeply conflicted about this actually. Mayor Wynn: -- With additional direction of staff. Further comments? Smz, then -- councilmember shade and then mayor-elect. Shade: I had a question for staff. There was a staff recommendation that was about the makeup of the board that included a suggestion I guess that was or it wasn't in the planning commission's version, which was that the board include a representative of the parks board, the environmental board and the design committee. Can you speak to that and how staff came to that recommendation? Robert hyle with neighborhood planning and zoning. Since the waterfront planning advisory board is designed to be a board which looks comprehensively at everything along the waterfront, we felt that that would be the main and primary review board before planning commission and council for any projects that went to the waterfront, that were along the waterfront. Since projects would be going to this new waterfront advisory board that was really focused on the waterfront, we felt that it might not be necessary to also send them to the parks board, the environmental board or to the design commission. However, we still wanted to make sure that the parks board, environmental board and design commission were aware and had some input. And so one of the compromise suggestions that we recommended was that the waterfront planning advisory board include a member of the parks board, the environmental board and the design commission. That way there would not necessarily be an additional step, so since -- so you wouldn't have to have a project go before the parks board and the waterfront planning advisory board before it could go to planning commission. But that it go just to the waterfront planning advisory board, but that they have a representative from the parks board there. That was our staff thought on that. Shade: From a logistics standpoint, with that actually -- if we were to accept that staff recommendation, would that in fact be something that this board would then determine whether or not -- whether or not a proposed idea goes to three boards before going to the planning commission and then ultimately to council? Or no, this would just -- there's still no guarantee that by making this change it still wouldn't go to the other boards. Right now most projects that go before, say, the parks board, go as a matter of policy if not a matter of ordinance. This ordinance describes very particularly the projects along the waterfront will go

to the waterfront planning advisory board. That would be a matter of ordinance. Whether something goes to the parks board or the environmental board is a matter of policy. It's something that we might do if a member of that board requests it or if it seems like it's significantly -- often the planning commission would request that. So we might get a request from a planning commissioner. Before this comes to the planning commission, let's hear what the parks board has to say about it, but that is not a codified requirement as are the requirements of the waterfront planning advisory board. So it would not mean that something could not also go to the parks board, but it would not require it. Shade: I'll ask you if you would be willing to take as a friendly amendment the staff recommendation to include on the board a representative of the parks board, environmental board and design commission.

Martinez: Would those respective bodies be the group that decides who is their representative or who would select that person? The members of council, councilmembers would be appointing the waterfront planning advisory board and so it would be up to council when they were making their appointments to factor that consideration in when they were making their appointments.

Martinez: Okay. That's fine.

Mayor Wynn: Well, so do our makers consider it a friendly amendment to accept staff recommendation of including a member of the planning commission, environmental board and design commission as chosen by council to serve on that board? Councilmember morrison.

Morrison: I think we also have the model of the downtown commission that has actually appointments from the council as well as some of the boards pick one of their members to serve on the commission. And I wonder if it would make sense to think about that model instead of requiring that at least one of us appoint each one of those. Because I don't know how we do that without working together as a council in an open meeting.

Mayor Wynn: Further thoughts on councilmembers' -- I think it's a fair suggestion as well. I think we can work on this between sec and third reading, come up with the language. I'll accept this as friendly, but obviously there's moving parts everywhere on this thing right now. But I agree that we could look at a different model where those respective bodies choose the person they want to serve in that capacity as opposed to how council appoints it. I'm willing to continue to work on it.

Mayor Wynn: So again, we have an additional amendment to our main motion approving second reading only. Further comments on our motion? And again, we do have still -- which is why we have three readings at times, still a fair amount of work and analysis and dialogue between us and others before staff comes to us for third reading. And again, I would appreciate, and I think it would be a more effective force on third reading if as councilmembers or myself come up with some ideas, that we try to get them in writing just so we can have that actual language analyzed by legal staff before we -- Cole: May I ask staff a quick question? We talked earlier about a amendment and the fact that if we had , then it would not be subject to the waterfront overlay, but if there was a substantial amendment, then that would and it would be subject to the ordinance. Is that correct? My understanding of the addition is that the first part yes, if there's an that has been approved, it could be built out as was approved. However, if

the developer of came in for a substantial amendment, that that amendment would be subject to the waterfront overlay. Cole: The actual amendment? Correct.

Cole: Can you give me an example of what that type would be? An amendment would not have to address the entire , so perhaps they wanted to adjust the height in part of the p.u.d. They might want to add a use, which is otherwise prohibited in the waterfront overlay. So those might be amendments that would then potentially conflict with the waterfront overlay, so yes, other examples of substantial amendments are adding a land use that is more intense than the existing permitted use, increasing the intensity of a land use, amending a site development regulation like impervious cover.

Cole: I'll stop you there, but that's set out in the land development code. Thoorg. Cole: So I could visit with you about that if I had concerns about how that language is and would go on third reading.

Mayor Wynn: Councilmember shade. Shade: A bird told me that jeff jack is in the audience and would be willing to answer some questions related to my suggestion about -- actually, my question about the staff recommendation. And the bird tells me that he and I have discuss this had before, but I swear i don't remember if we did. So please enlighten me. Mayor Wynn: Welcome back, mr. jack. Thank you, councilmember. It was a brief discussion with regard to the makeup of the waterfront advisory -- planning and advisory board, and the issue was -- Shade: Did it involve water board torture, the discussion? [Laughter] because I don't remember it. I don't remember it. No, it simply was that the waterfront overlay taskforce recommendation was that there not be specific designees from the other boards or commissions. And there was a specific purpose for that. We understand that an issue before the waterfront planning advisory board that involved parks or involved environmental would have those boards and commissions review and have input into the discussion. What we were concerned with is that we end up having members of the waterfront planning advisory board whose primary focus is not the waterfront. That the planning commission, the environmental board and the parks board all have very specific charges and focuses. And they bring that then to the waterfront planning advisory board as opposed to being advisory to it, and we felt like that was something that we really wanted to make sure that the people that were appointed to the waterfront advisory -- planning advisory board were charged and particularly focused on just the waterfront. Shade: So based on your explanation, which I really don't remember us having that conversation, but I do appreciate you telling me about it. And I understand that and i also understand the comments that councilmember morrison made with respect to this being a seven-member board. I know some people think it's a five-member board, but it's a seven-member board, so it would probably be very complicated. Perhaps if it also doesn't prevent the project from still going before the environmental board and still going before the parks board, I'm going to withdraw my suggestion. And thank you for the additional information. Thank you.

Mayor Wynn: Any more little birds? [Laughter] shade shea sorry. Thank you.

Mayor Wynn: Thank you, mr. jack. So again we have a slightly amended main motion back on the table, second reading only. Further comments? Hearing none, all those in favor please say aye. Opposed? Motion passes on second reading only on a vote of seven to zero, and anticipate in the next meeting or certainly two third reading being posted. Thank you all very much. So council and folks, those watching

at home, that leaves us with one final public hearing, that being item number 61, which is our -- again, posted public hearing, we're posted for public hearing and possible action on our citywide bicycle plan. As I mentioned earlier for those of y'all who missed it, we have -- our legal staff has discovered a technical snafu regarding the date by which training had to be accomplished by certain members of certain boards and commissions, and therefore the legal advice today was for us not to take action on two earlier zoning cases that we postponed and unfortunately the bicycle plan but we knew so many folks were coming down here to give us testimony, we wanted to be respectful of that trip down here, so we're going to cut the public hearing, but again the legal advice is that we won't take action at this meeting. I do anticipate there being an item on the city council at our next meeting, which IS JUNE 11th. A little technical thing brought by the legal department that fixes the little glitch that they discovered. And therefore we could take action then or any time in the future. So with that -- and also know that I'm very appreciative, just to let folks know the box score here. We have 294 folks signed up. [Applause] let's see. 11 Folks signed up in opposition. Just a handful of them wanting to speak. I think literally 15 or 20 minutes or so worth of testimony essentially in opposition in some form or fashion or that's what they checked on their computer box. 282 Folks here in favor. And then we have one person from Switzerland apparently who signed up neutral.

[Laughter] and everybody being courteous to their neighbors and recognizing that the vast, vast majority of folks are here wanting to give testimony in favor of the plan, I think there's been some very civic minded supporters of the plan out there and they have suggested a speaking order for me to read out as opposed to on my computer screen that I think will get the vast majority of folks' testimony in favor of the plan. I think that will literally reduce the testimony by a couple of hours. And that will be greatly appreciated. But so as I sort of plug all

About it.

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But so as I sort of plug all that in and certainly folks who really do want to give

[00:04:00]

us testimony will be allowed to do so tonight.

While I plug all that in, i think it would be most rob spillar, our transportation director, to start us out with a sort of staff , we have a network to wrap the elements of multimodal, non-motorized travel into a single comprehensive plan.

And then I wanted to remind folks that this plan will continue to be a living document with annual updates.

As we start to deploy the plan over the years that are anticipated within this plan, we know that there will be changes and we'll be coming back to you periodically for updates that we either deal with add administratively and between the update periods.

A little review of the community benefits, right w we have about one percent of our working austinities travelling by bicycle to their work.

That's about 3500 riders per

[00:06:01]

day.

That's the equivalent of about two freeway lanes.

Considerable benefits to the environment in terms of air quality.

Numerous dollars in terms of savings to the individual family per year that chooses to use bicycles.

And there's a significant positive benefit to the community from our investment in bicycle facilities.

Division simply stated is to -- the vision is to transform austin into a world class bicycling city.

This plan takes a 20 year look forward and really sets us on the road or on the bike trail as it would be to meet that demand as we go forward.

The elements of the bicycle transportation system, we're looking to literally double the number of people using bicycles to get to work by 2015.

And double that again by 2020.

We're looking for 70% of the bicycle network to be complete by 2020.

And 100% by 2030.

That's an aggressive pursuit of this bicycle plan.

We look to increase education and promotion of bicycle as a viable transportation alternative.

Encourage safe behavior and enforcement both from the auto driver as well as the bicycle user.

And also this plan speaks to specific implementation and funding schedules as we go forward.

Again, a review of the public involvement process, the only point on this that I've added is that we completed the briefing on may 14th and we're now here to complete the public

[00:08:00]

hearing with adoption hopefully at our very next city council meeting on the 11th.

My last slide is to speak to the point that this council asked us to combine the bicycle, sidewalk and park long range plan trails master plan so that we really do have a comprehensive trails alternative mode and

multimodal plan as we go forward.

Some of the projects that are in progress, of course the lance armstrong bikeway is nearing a significant milestone in completing those missing links along cesar chavez.

The southern walnut creek trail is underway as is the austin to manor trail.

Again, we looked forward to the comment tonight and looked forward to helping you understand the comment as we go forward.

Mayor Wynn: Thank you, mr. spillar.

Questions of staff, council?

Comments?

By the way, for folks who aren'tware, when you see myself or a member on the dais, leave the dais for a few minutes and backstage getting a soft drink, there's full video and audio back there.

So do know that when folks leave the dais, we're actually still hearing testimony.

So don't be offended.

mayor, I neglected to tell you also in your backup material you received a memorandum of addendums and changes.

Our consultant that was helping us with these or this project, instead of making multiple updates as we went through that public process, created an addendum sheet at the end.

Most of those are minor changes, but we need to let you know that as you move forward towards adoption you need to adopt it with those changes as they go forward.

Again, they're minor changes that are included in your backup.

We provide you copies to the

[00:10:00]

public here.

Mayor Wynn: Thank you, mr. spillar.

Questions of staff, council.

Comments?

Before we then conduct our public hearing?

So I'll just try to take these in the order that maybe the folks in opposition signed up and then I'll fall with the sequence of some of the organizations that are here, I believe, in support.

So our first speaker is going to be nicklaus crane.

Nicklaus crane signed up to give us testimony.

Welcome, sir.

You will have three minutes, to be followed by lowell rice, to be followed by hernandez.

Thank you very much for the opportunity to address the council.

I'm a member of the homeowners association for heritage hills.

Lowell rice who is going to speak to you closely is our president.

In some respects this is out of order, but I thought i would add my two cents.

What he's going to talk to you about is a bridge that's part of this bicycle plan.

What this bridge is going to do is connect a high crime neighborhood that's just north of ours to our neighborhood over what's right now a creek that's sort of separates the boundary.

And it threatens to increase crime in our neighborhood.

I think it's pretty important that we make an alteration of the plan because right now our neighborhood is sort of one of the only affordable ones for folks like me.

I moved here to austin a couple of years ago.

I've got a family make less than the median sort of income here in austin, but i was able to afford a single-family home for less than \$200,000, which is a pretty big accomplishment in any major american city.

And I could do that largely because we have sort of a

[00:12:00]

safe neighborhood, but we're surrounded by some neighborhoods that have significantly higher crime,

ones that probably i wouldn't have chosen to move to.

In any case, we're the only neighborhood where relatively low crime where someone can me can afford a single-family home where someone can commute to u.t.

And the northern part of downtown.

I think one of the values of some of the suggestions that rice is going to make about changes we could make to the plan that will still meet all the goals of the bicycle folks, in fact, most of the pokes in our neighborhood are very supportive of bicycling and the bicycle program overall.

We just sort of the want this small change, so we don't end up casualties of a bigger process that's moving forward.

We've had a chance to participate in a lot of communication with the folks doing the planning of the bicycle project, and in some respects that has sort of been a good experience and sort of the best of city government, that they have come to a lot of our neighborhood meetings.

They've suggested that we make changes to the plan and in terms of the neighborhood planning process, all of which we've had a lot of homeowner and citizen participation in.

So I think a good part of city government.

But in some respects it's been the worst part of -- it represents the worst part of city government.

But despite going through all these hurdles, nothing about this small narrow part of the plan has changed, and we haven't been given any good reason why it could change.

In fact, all the communications have been sort of apologetic, that there's just these -- some sort of undescribable bureaucratic hurdles that keeps us from making little changes because this bridge which was suggested was planned back in the early '90's or something like that, specifically it's been brought up at nearly every meeting I've attended -- [buzzer sounds] -- that there's been a lot of sunk costs involved.

That there's some sunk costs in planning.

Well, kind of economics 101

[00:14:01]

tells you went don't make decisions based on sunk costs, we make decisions on the costs going forward.

Apparently the bridge will cost a lot going forward and there are comparable changes rice is going to describe that would alleviate all our concerns and still meet all the requirements of the bicycle folks.

Mayor Wynn: Please conclude.

Your three minutes are expired.

Finally, I would just ask that there's overwhelming support for this bike plan and most of us in the neighborhood would agree.

I would ask that council work really hard to make sure that -- given there's overwhelming support that there's some scrutiny of the details.

So the bigger plan doesn't create smaller problems like ours.

Thanks.

Mayor Wynn: Fair enough.

Thank you.

Let's see.

Lowell rice, welcome.

Some folks wanted to donate time to you.

And our rules, as you probably heard earlier, you need to be present in the chambers in order to donate your time.

Let's see.

Is bryan keenan here.

Hello.

Welcome.

How about jaska (indiscernible).

How close was that?

Close?

How about ed patton?

Hed had to leave.

Mayor Wynn: Hector hernandez?

Lowell, you will have up to 12 minutes if you need t and you will be followed by mary hernandez.

I believe that nick has outlined a lot of the things I want to talk about, so i don't think I'll need all of your time the full 12 minutes.

I want to start out, though, kind of to do an oscar's preempt and get my thanks out of the way before you play me off.

First I want to thank the city council and the mayor for letting us speak tonight.

I also want to thank (indiscernible) for coming to our meetings on a regular basis over the last two years to keep us apprised of the plan as it's moved forward.

And the impact we've had on it through our planning process.

For that I want to make sure and thank our city planners who have been instrumental

[00:16:00]

in helping us design a plan and uncover and identify alternatives to the proposed bridge that we really feel would be a better benefit for both our neighborhood, the neighborhood to the north that's attempting to be connect bid this proposed bridge, as well as the bicycling community in general in our part of town.

I unfortunately when we signed up to speak tonight, we were under the assumption we this to make a choice of for or against the bike man.

So that's why we're all sitting in opposition to the bike plan on this issue.

There's nothing in the bike plan that we oppose.

We want the bike plan to move forward.

We want the bike plan to be implemented.

We want to have the north-south connectivity and the east-west connectivity that would benefit all of us in this city who commutely bicycle and those who don't.

However as nick pointed out, if you look at the proposed route for the bike plan itself, the section

between 5714 through 5717 is where our objection lies.

And if you will look at that, if you will have a copy or if you can gain access to it, the specific one is 57 boy 16, which doesn't even exist on the proposed route currently.

And that is a bridge between north acres park and park plaza drive in northeast austin.

Just between ruther ford and rundberg lane.

Our concerns can boil down pretty much to the fact that when we learned about the proposed bridge, it was after the funding was already required through a federal grant to txdot.

And planning and design costs were actually spent.

So we're not engaged up front, we were not consulted about the proposed bridge and any impact it may have on our neighborhood until it was too late.

And for the past 15 years our neighborhood and our neighborhood association has been fighting against this through the means necessary, planning, e-mail to city council, letter campaigns, petitions, etcetera, to try

[00:18:00]

to make sure that our voice was heard.

The biggest reason that we have concerns over the bridge is not connectivity specifically.

It is the fact that where it's currently proposed to be locate sheriff's department in a small north acres park, which is kind of a misnomer.

It's about an acre versus multiple acres.

And it joins a small strip of green space on the northside of little walnut creek that was purchased by the city specifically for the purpose of building this bridge.

If you look at the crime statistics between those two disparate neighborhoods separated only by a creek that's about 20 feet wide, you will see that the crime rate in our neighborhood is about 11 percent of what it is across that creek.

11 Percent.

We're talking about an average of 81 crimes per year called in, and that's across the entire board of criminal activity based upon the information from the website, versus nearly 800 -- 696 total crimes

across the creek.

If we look at violent crimes, those involving assault, rape, vehicular assault, murder, things like this, you will see that the rate changes slightly, but not by very much.

It's still about eight times the crime rate across that creek bank than what it is in our neighborhood.

And personally, speaking on behalf of my neighborhood, we would like to keep it that way.

Our neighborhood is a pocket neighborhood.

It's accessed by three roads on rather ford and three streets coming in off the i-35 frontage road only.

I think this is one of the reasons why we have -- that use that creek as a buffer.

Takes quite a bit of a circuitous route to get back into our neighborhood.

Because of that crime it's pretty much localized to the park plaza area as well as moving up north to rundberg.

I am a bike commuter as

[00:20:01]

well.

I know that several councilmembers are.

Looking at the crowd of people out here in lie cra spandex and various other colors, there's a lot of us here.

I bike to route via the route outlined minus that bridge.

The thing that concerns me the most is if you ride that route being proposed and look, pay attention to the ground as you go through much like most bicycle riders do, you will see that as you come off of i-35 by the apartment buildings there on plaza drive and passed duplexes and four-plexes that pass those, you will see signs of people living there, cars out front, being worked on, some beer cans here and there, whatnot, just general light.

Happens in our neighborhood too.

No problem with that at all.

As you close in closer to where the actual bridge location is being proposed, those beer cans change,

but things in the gutter change drastically.

It goes from a beer can or two or a pop bottle or things like this to condoms, to syringes, which basically indicates the reason that we don't want that bridge there is that the crime that exists on Rundberg Lane uses that park space, the green space directly across from North Acres Park as an unlit, underpopulated, very low traversed area to do what they can do in dark versus in the light of day.

So I know that many neighborhoods in our city come before city council and violently and vehemently or argue meant actively propose many propositions that are put forth without providing any alternatives.

What we want to do is provide two different alternatives.

One is to continue the expansion of the Cameron Road, Dessau Lane bike corridor by either a road diet or by an off road shared multi-use path.

That's really the best way.

If you look at the overall bike plan, that would connect 183 all the way up to Braker Lane and beyond.

The second one is bike route

[00:22:02]

57 as outlined.

Again, ride bike route 57 to work, 12 miles each way to work.

On that route the modification we propose is take it from the North Acres Park location west to the frontage road of I-35.

And in doing so mirror the exact same infrastructure improvements that are on the west side of 35 being primarily sidewalks and the box culvert concrete establishments with a sidewalk on top of it that would provide the connectivity north and south, both through our neighborhood and around our neighborhood for people who use it for the right reasons, going to the store to buy groceries, commuting back and forth to work.

Joining the connective networks that we need to have a successful bike plan in place.

If you look at that, what you will see -- I'm sorry, the pictures on the printouts don't have my lovely little red drawing and diagrams under there that are clearly visible.

If you look on there, what you will see is there's already what's known as a path of desire.

One of the terms we learned in our planning process, what it is is a very narrow strip of trail that returns from hermitage to park plaza.

If you look at the traffic that occurs currently between the neighborhoods to the north of us and our neighborhood, that is the path.

That's the place that everybody is using currently to get between the neighborhoods.

It's established.

It works well.

The problem with it is that it's a very narrow trail.

And it sits above a bull wark of concrete that has a 15-foot drop off to to a limestone creek bed below t so our suggestion is improve that, make it a real part of connectivity between the neighborhoods, address our concerns to the crime by not building a bridge in an unlit area and move that traffic into a well lit, well populated, well traveled part of our neighborhood.

And there by achieve the goal of internet -- network connectivity between neighborhoods for both pedestrian and bikes as well as school children going to bernice hart elementary,

[00:24:00]

while still addressing our concerns are not opening a doorway, a back door, if you will, to the crime that does already exist across that buffer zone.

Thank you.

[Applause]

Mayor Wynn: Thank you.

Councilmember morrison.

Morrison: I wanted to ask a question.

Mayor Wynn: Lowell.

Morrison: If you don't mind.

Thank you for the presentation and for the maps and all.

I see the one proposed location of the bridge, and then flowing that, I guess can you tell us where that --

where the well worn path is on this?

On the detail?

Morrison: Well, actually, on this one, on the proposed location of the bridge.

Can you give us --

all right.

If you look at the proposed location of the bridge, right, the actual path is not on there.

And that's kind of part of our concern.

If you look at this, if you go down to where the proposed bridge is currently designed to be placed, no one is using it.

There's on he owe the only thing down there is are you notoff -- trash runoffs from the street and whatnot from what runs off from the street.

There's no path there.

Instead if you flip over to -- two pages past that as far as relocation, that you will see is the actual path, the one being used currently.

Morrison: And the proposed relocation, I don't see the actual path.

Drop to the one behind it where it says detailed i-35 frontage.

Do you see that little line that's sitting there right by the frontage road?

Morrison: You're saying the path is along i-35?

Yes, it is.

Morrison: Are there folks that go through the creek bed now?

I'm sorry?

Morrison: Are there folks that walk through the creek bed from one side to the other?

I couldn't say there are none, but I know if you walk down there you don't see any wear in the grass patterns.

[00:26:01]

So I would have to guess if there is, there is probably more kids play in it from the neighborhood than a traverse method.

Morrison: And i understand the's a school.

There's an elementary school about half a mile south of that crossing where the approximate current bridge is bs proposed.

Morrison: Are you aware of kids crossing the creek bed to get to school?

No.

That's one of the concerns we've heard from aid as well as the planning commission is that the reason they want to put the bridge is to provide scais for the school students to get across there.

And again, no one wants to keep the kids from the school, right?

We actually want more of them in school.

It would probably address a lot of the problems we have in our city and across the country; however, the proposals as we understand it is to remove the need for the two-mile bus route limit for those people within the two miles that would normally not have service for the bus routes, to walk to school and allow aid to save money from buses running in that area.

However, if you look at the map drawn out from a two mile area out from the elementary, it extends out to childress and rough bend road.

If you look at that, they will have to cross rundberg lane and the creek and scts between rundberg and the creek to get there.

I'm not sure there will be that many children go through that process to go to school my foot.

They will either use the existing bus service that's there or they will have their parents drop them off, which is what's happening right now.

But again, moving the bridge to i-35 and providing adequate safety measures for all of us to utilize it, i think would address the need for the kids to have connectivity going to and from school.

Morrison: Do you happen to know how many kids are in your neighborhood that actually attend the school?

I don't know how many attend.

I know my children do not attend there.

We've had multiple discussions on our listserv in the area for kids to attend.

I think one of the problems at Bernice Hart elementary

[00:28:00]

right now is it's understaffed, underfunded and within seven to eight funds after the school opened it went up with about six portable buildings.

Because of the overcrowding that exist, there's probably a fewer number that go there than elsewhere.

Morrison: Okay.

Thank you.

Mayor Wynn: Thank you, Mr. Rice.

Mary Hernandez is our next speaker.

Welcome, Mary.

You will have three minutes, to be followed by Matthew Hazelwood.

You are welcome to use either podium.

Thank you for allowing me to speak to y'all.

I just want to say that I support what the last two speakers said.

And I live in Heritage Hills also.

And I'm very concerned about the crime situation with connecting anything to North Acres to North Park Drive.

North Plaza Drive.

But one of my concerns that I have with this plan is that when I speak with the planners, you know, there's really no way for us to utilize these routes the way it's set up because there's nothing really in place to plant along Cameron Road, which is the main way out of the northeast area.

And when I ask where it's going, they can't even tell me where it's going.

So I feel like, gosh, you know, this is not really very well developed.

And so I have a concern about that because I would love to be able to ride my bike safely.

And I can say that other than in the neighborhood there's just nowhere to ride it safely now.

And you certainly couldn't ride it on cameron road unless there's there is a dedicated off-road, you know, path that's planned and where it actually goes and leads somewhere.

So that's my concern is that area feels like in the bike plan it really underdeveloped and not -- no one has really looked at that.

And I feel like there's other parts of the city.

I've lived in allendale and

[00:30:00]

other parts of the city where it's really -- that it's really a big part of the plan, but here it's just sort of forgotten.

So I would just like to ask that there's more attention paid to the northeast part of the city.

Thank you.

Mayor Wynn: Thank you, ms. hernandez.

Let's see.

Matthew hazelwood.

To be followed by stanton (indiscernible).

First off, thank you for the opportunity to speak.

Actually, lowell rice has already covered all the topics pretty much.

I wasn't sure if I was going to be here or what I was going to state, but i just -- I want to say that i approve of the plan, but i don't agree with the routes along route 57.

I live in the neighborhood and I purchased that home in 2001 with the knowledge that there's a barrier

that separates our neighborhood from the rundberg-i-35 intersection where it's a high crime rate.

I did want to say that we did participate in the neighborhood planning neighborhood planning association meetings and they had a couple -- they had better alternatives in place, including a bridge along the i-35 corridor feeder road, which already has a need.

There's no sidewalk there and there is a sidewalk on the other side.

They should put a bridge along the i-35 feeder road because the need already exists there.

is also in opposition to that bridge because they would have to pull in off of i-35 in order to monitor the bridge from the i-35 feeder road, they would be able to monitor both ends of the bridge.

So for that reason a.p.d.

Also does not approve of the bridge.

But I think lowell rice has already addressed all the concerns our neighborhood association has.

Thank you for the opportunity.

Mayor Wynn: Thank you, mr. hazelwood.

[Applause] so stanton truxillo.

[00:32:05]

Sorry.

And let's see.

You will be followed by pete wall, but hang on, stanton.

I think some folks wanted to donate time to you earlier.

I won't need any extra time.

I'll probably just be a minute and a half.

I'm stanton truxillo.

I'm president of the austin cycling association.

I wanted to thank you for hearing us this evening.

We are over 1500 dues paying members who ride in the five-county area.

We strongly support the city of austin's bicycle plan.

You will hear other speakers I'm sure tell you about achievable goals and details and statistics and cost benefit ratios and all of that.

And you will also hear folks compare to us portland, oregon.

I've made those sort of comments to city staff and they keep saying, don't talk about portland, talk about austin.

We're doing well in austin.

Okay.

We are doing pretty well in austin.

As I recall austin is a silver rated bike friendly community, but portland is gold or platinum.

This is a good step at getting us there.

It includes infrastructure, education, enforcement, most of the bits and pieces.

I have some sympathy for the neighbors in the northeast austin neighborhood who are concerned about the detail of that plan.

I guess I have enough faith in city staff that they will find a way to work out those details.

I watched them work through the details of exposition boulevard with some pretty good tap dancing around some neighbors in the neighborhood --

Mayor Wynn: You should see some of my council colleagues.

I live two blocks off exposition boulevard.

I ride that route almost everyday.

And council staff did a really nice job on that facility.

I am quite impressed.

I must give them praise.

So anyway, bottom line, the plan in broad brush picture

[00:34:00]

is great.

Please support it.

If there's some details that need to be worked out as that neighborhood is talking about, I think that can be done.

But please support the bike plan.

Thanks.

Mayor Wynn: Thank you, stanton.

Thank you, sir.

Let's see, pete wall.

Pete, welcome.

Let's see.

Is in this case ybarra in the room?

Hello.

So nick is offering you his time to you, pete.

So you have up to six minutes if you need it and you will be followed by jan son ables.

Thank you.

I shouldn't need all six minutes.

My name is pete wall and I've been volunteering at the yellow bike program for six years.

I want to second what stanton said and urge you to support this.

And I also urge you to read the letter that I wrote to the group e-mail last night that explains a lot of the

reasons why it's important to approve this plan.

To really let you know how i feel about it, I think I've got to channel a little bit of jennifer gale and sing you a song.

[Laughter] I just want to start off by saying -- ♪♪ this little bike of mine, I'm going to let it shine.

♪♪ This little bike of mine, I'm going to let it shine.

♪♪ This little bike of mine, I'm going to let it shine, let it shine, let it shine, let it shine.

♪♪ I'm going to let it shine.

♪♪ Put it on a rack, no, I'm going to let it shine.

♪♪ Put it on a friend's car rack, no, I'm going to let it shine.

Let it ride, let it ride, let it ride, let it ride.

[00:36:02]

♪♪ Looking for a parking spot, no, I'm going to let it ride.

♪♪ Looking for a parking spot, I'm going to let it ride.

♪♪ Looking for a parking spot, no, I'm going to let it ride.

♪♪ Let it ride, let it ride, let it ride.

Support the master [laughter]

♪♪ I'm going to let it ride.

Support the master bicycle plan, I'm going to let it ride.

Support the master bicycle plan, yes, I'm going to let it ride.

♪♪ Let it ride, let it ride, let it ride.

One more time, y'all.

[Applause]

♪♪ I'm going to let it ride.

Thank you all.

[Cheers and applause]

mayor, were they in favor of the bike plan?

Mayor Wynn: They're in favor of the plan.

[Laughter] I am so going to miss this.

[Laughter] and matt, please tell me you had the tape rolling.

Good.

I'm compiling a best of d.v.d. when I leave office.

You may have just made my d.v.d.

Let's see, sorry, jason.

Welcome.

A bunch of folks want to donate time to you, jason.

I shouldn't take that long.

Mayor Wynn: Well, all right.

I don't even know how I'm supposed to follow that.

But first off, thank you for taking this time to listen to us, mayor wynn, members

[00:38:00]

of the council, city staff.

My name is jason ables and I've been an austin resident for a little longer than we've actually had a bicycle plan in place.

I've been able to see the development of this city from when I moved here back in the '90's to now where i really do believe that austin is a world class city.

This is my favorite place in the world.

I really do think that we deserve a world class bicycle plan and a world class bicycle plan to go with that facility.

In the last 12 years since we had the original bicycle plan, there have been hundreds of miles of highway, many overpasses, many of those which have overpasses on top of overpasses on top of overpasses being built.

And yet the bicycle plan has only been about one-third realized.

It seems that the old plan has been kind of a carrot on a stick and as cyclists we've gotten the stick a lot and I think it's time we get the carrot.

To me I see the carrots on this new bicycle plan.

Not only does it include facilities on road as well as off road, but it includes education, it includes several other points as far as increasing bicycle connectivity between neighborhoods, between austin as well as surrounding cities, and i really want to see this plan realized.

I think that as a commuter, I will be able to benefit from this plan, but really i don't see this plan as something that we need, the people in this room, we're going to ride around austin and get to where we're going whether or not this plan is in place or not.

I really see this plan as benefitting our children, benefitting those cyclists who may not feel comfortable riding down lamar or riding down burnet.

Who may need that additional lane to feel safe with getting down the street.

Who may need an off street facility to take their kids on.

These are people that i really think the bicycle plan as the update stands would really benefit.

And so I would like to see you all support this plan and really help out austinites and give this world class city a world

[00:40:01]

class bicycle facility.

Thank you.

[Applause]

Mayor Wynn: Tom wall.

As tom comes forward, just know that I'm not committing a polit faux peace pas.

Chris riley is in the back he asked to go last, so he's going to bat cleanup, everybody.

Welcome, chris.

A number of folks wanted to donate time to you, tom, if you think you need it.

Is jeff scott here.

Jeff scott wanted to donate time to you, as did adam gerbert?

Is adam here?

How about amy baddage?

And how about ellen gibbs?

So you will have six minutes if you need it.

You will be followed by rob dominka.

Great.

Thanks for hearing us out tonight, council.

I really appreciate this opportunity.

The last time I spoke at the council was about two and a half years ago.

And I think this is a much more positive experience.

Let's see.

Just to address myself, I'm tom wall.

I serve on the bicycle advisory council, I'm the current vice-chair.

I also am the co-chair of the orange bike project at we're trying to address some of the educational and other concerns about bicycling there.

And trying to create a and the city of austin.

So I just wanted to just get some highlights of the -- of what the bicycle plan will help to address.

It will help to meet the bicycling demand that is existing.

Jason was speaking to that, that a lot of us already do bike.

And it's also going to help

[00:42:01]

address the people that don't bike that want to bike.

There's a lot of latent demand.

And -- latent demand.

It will also address some of the connectivity to u.t.

There's actually some ways that are not very well developed and there are a lot of people that would , but there are safety concerns they have and the bike plan will help to address that.

One of the things I see of how the bicycle plan really speaks to the broader community is how it will help reduce conflict and that will be done through education and also changes to on street facilities and to also help just try to address those problem areas that are around the city of austin.

We're going to be having to catch up on a few decades of not really addressing bicycling in the city adequately.

And so when we see that happen, the conflicts will probably starting to down.

The -- let's see.

So by reducing conflicts, this will help people that don't bike and are never going to consider biking.

It also will help to reduce overall transportation costs.

Serving a bicyclist's transportation needs is much cheaper than serving motorist's needs.

Just a fraction of the cost.

And the more people that are bicycling, especially if people want to bike, then those people will -- those

people will actually help reduce the cost that the city has to pay for it to help move them around.

I think some other people are going to probably mention a little bit more detail on those things.

I want to go on to a few highlights of other things that we need to keep in mind with this bicycle plan.

While I really appreciate everything that's in the bicycle plan, I think it

[00:44:01]

really goes a long way to help address a lot of things that will help to make this a world class bicycling city.

We're still going to have to work on how to interface with txdot.

Txdot has jurisdiction over a number of highways in the austin area and those provide barriers to bicyclists.

So -- and that -- well, that will take ongoing work, I'll put it that way.

The other thing too is addressing concerns of people in the community.

As most of these things will -- there's some things where we're going to have to ask the community to make some sacrifices and some people might be -- might have strong concerns, as we heard from the people in northeast austin.

Cindy stone on exposition, for example, was a vocal opponent of the way the bicycle lanes were being put on exposition.

I think it's important to communicate with those people and to address those concerns as best as possible.

To that effect I met with r on monday and we actually talked for a few hours to try to understand what we can do better, what we can -- how we can make this as pain willless adds people on -- painless as possible for people who aren't biking.

I think one of the -- one of the most difficult things to consider with this plan is that over the next couple of decades it will cost about \$250 million.

And that seems like a lot of money, but for transportation infrastruc -- transportation infrastructure costs a lot of money.

I want to have y'all visualize in your head when like jason ables was talking about the floiovers, you can

picture ben white and i-35, that flyover cost

[00:46:08]

\$125 million.

This will address the whole city and I think a lot of people will see the effect of that.

I want to speak in support of this and working with -- look forward to continuing a relationship with the bicycle advisory council and the city council.

Thank you.

Bicycle use needs to be of paramount consideration in development.

The question of what will bicyclists do has often been ignored or a low priority in the planning.

If automobile traffic will be impeded or endangered by construction, you can bet a considerable amount of effort will be put into mitigating that problem.

That same consideration needs to be given to bicyclists and pedestrians for that matter.

So if you close the right lane and buffer it with a construction barricade, ask the question what will bicyclists do?

If you close a sidewalk for construction, what will pedestrians do?

It's that kind of thinking that needs to permeate every

[00:48:15]

decision.

The city spends a considerable amount of money proceeding with water and energy conservation, instructing residents on how to recycle, informing the public on its goals for addressing climate change.

And educating the public about other health initiatives.

But little or nothing is spent on educating the public about the benefits of cycling and how to do it safely.

So we understand we're in a tough budget time coming up this year, but he would like to work with the city on public-private partnerships for educating the public and we want to start making some kind of investment on public education, even if it's a small amount of money.

There's too many bicycles on the street right now and too many pouring out on the street to ignore this.

It's an opportunity and a necessity to help educate the public about safe cycling.

Finally I want to commend the work of the city's bike-ped program.

We've come a long way for the days when the local newspaper ridiculed the position of the bike-ped coordinator.

We now have articles lauding the bike plan and the achievements of the city and we have good coverage of Ilbv, the austin bike project and austin cycling association.

We've come a long way and it's a lot better now than when we had the lone bike staffer who was somehow expected to go out and interact with the public and plan all the facilities.

Now we have a full dedicated staff and they're doing a great job and we really appreciate you supporting their efforts.

So it will be our job as the league of bicycling voters to help push these products that are in the bike plan and keep them on track.

As you may see in the plan there are a lot of time lines that go out five years, 10 years to 2020, but we need to look at some near term situations too.

For instance, we can make

[00:50:00]

some significant progress with the transportation bond issue.

And whether it's going to be in 2010, 2011, maybe a little bit after that, we really need to look at that as a prime opportunity to get some of these investments in in the near term rather than the later term.

Thanks a lot.

Appreciate it.

[Applause]

john webber, to be follow bid tommy eden -- to be followed by tommy eden.

Thank you.

I might not need it all.

mayor, city councilmembers, thank you very much for the opportunity to comment on the plan.

My name is john webber.

And I'm representing the bicycle industry, business aspects associated with the plan, and I just wanted to offer some comments.

As a way of validating my comments, I work for fall brook technologies.

It's an austin based company and we have a principal product that is easy to use for city banks and commuter banks.

It's called new vinci.

At this point our largest customer base is in europe.

I personally have been to copenhagen and amsterdam and various cities in germany where people, 25 to 40 percent of all trips are taken by bike.

I've witnessed the culture, participated in and they use our products.

I'm starting to see a shift we are seeing an emerging difference in the use of bikes.

I'm sure many of you have heard about portland.

I also have spent some time there not as a business interest, but my daughter and son-in-law live on a bicycle designated friendly

[00:52:00]

street in portland.

And we were there for christmas.

And it's probably the most bicycle friendly city in the country today, about four and a half percent of trips are taken by bike.

It's interesting to see the dynamics.

It's interesting to see the champions involved in various places that have been responsible for getting what they have today, but they started with just like we did here in austin, with an idea and a vision and

they made it happen.

And there's a number of champions.

I speak regularly with people in europe and in portland.

And they're quick to point out that there are benefits for bike ridership.

And they're consistent with your plan.

They point out that it's less costly.

That it's better for the air.

They report a better health and well-being just by being on a bike and exercising.

And going to work and so on.

Not to mention the traffic congestion that they are able to get away from.

As far as the plan it's zest, eight percent of trips taken to the city sister by 2015, that's about an eight percent improvement than it is now in austin.

It will be city and commuter bikes, it won't be the typical bend over the handlebars, ride with lycra to work.

It will be regular people, regular folks who are using bikes for trips instead of a car.

And I think it will bring austin into a phenomenal level.

If you can achieve that, it would be the most friendly bicycle city in the country.

I want thank to thank you for this comprehensive and far reaching plan, and my experience in the auto industry and the energy industry and now in the

[00:54:00]

bicycle industry, I can tell you the bicycle industry people are regular folks and their passionate about the benefits of bike riding.

So I really believe that there will be tremendous assistance, whatever is needed to help the city implement this aggressive plan in the business community in the bike industries and we support it very strongly.

Thank you.

Mayor Wynn: Also perhaps -- [laughter] so two of the gunters are here.

Okay.

That's fine.

Mayor Wynn: Tommy, you will have up to 12 minutes if you need it.

Thank you, mayor wynn and councilmembers.

Thank you for this opportunity to speak about the update of the austin bicycle plan.

My name is tommy eden.

I'm currently on the board of directors of the austin cycling association as the legislation liaison committee chair.

I'm also on the bicycle advisory directors and the league of bicycling voters and I'm also on the texas department of transportation bicycle advisory committee.

I've also served on the street smarts taskforce and the urban transportation commission and I am glad to see that we have so many other representatives of most of these organizations here in the audience tonight.

City staff has done a fine job of gathering public

[00:56:01]

input and incorporating suggestions into the bicycle plan update.

I am pleased to come this evening to offer my whole hearted support for the new plan.

Many of you may recognize that this whole hearted support was by no means a conclusion.

I produced a long list of suggestions and I brought a resolution to the bicycle advisory -- a resolution to the bicycle advisory council to inquire that the city staff encourage the texas department of transportation to follow the federal highway transportation guidelines for the construction of bicycle facilities on the state highway system.

, the , the city staff agreed to most of the suggestions in the plan and they even added the resolution that I brought into the plan.

You can find that resolution in the addendum.

The city is making great strides in making austin a great bicycling city, then we need to work to remove barriers to bicycling in austin.

Nearly all of the barriers -- nearly all of the barriers which the street smart taskforce identifies are on the state highway system.

And the texas department of transportation is not always willing to make the kinds of improvements that are needed.

Right now the state legislature is making a decision about allowing more local control over state highways.

We need better bicycle facilities on our state highways, and these legislative changes might make it easier to get the kinds of improvements that we need.

[00:58:01]

Considering the fact that the city of austin spends millions of dollars every year for the construction of state highways, the city should apply some pressure on txdot to get usable bicycle facilities on our state roads.

We are providing local match funding, so we should have some leverage over how those funds are used.

This bicycle plan update will improve the way the city of austin interacts with txdot about bicycle facilities on txdot roadways.

No longer will the city of austin passively hav to accept whatever highways the state wants to build.

With the approval of the bicycle plan update, you will be establishing a policy requiring city staff to encourage txdot to provide adequate bicyc facilities.

Thank you in advance for taking this bold action to improve our city.

Everything in this bicycle plan will make austin a better place to live by increasing the number of people who ride bicycles, you're helping to improve our health.

Increasing the number of bicycles for transportation improves air quality.

Increasing the number of bicyclists improves everyone's safety because motorists expect to see

bicyclists.

Thanks to the city staff for their hard work, and again thanks to all of you for your support.

[Applause]

Mayor Wynn: Thank you, tommy.

Bart knaggs signed up wishing to speak.

Bart had to go home.

Let's see.

Hill abel had signed up.

I see hill coming in the room.

you will be followed by robin stallings.

I think some folks wanted to donate time to you, hill.

I won't need it, mr. mayor.

mayor and city councilmembers.

I appreciate this opportunity.

This is an awe suspicious day for the austin bicycling community.

I believe it is no coincidence that the 10 year renewal of the austin bike plan and the streets taskforce occurred almost simultaneously.

Because I believe it has created a plan that is so far superior to what would have occurred without the input of the street smarts taskforce because.

Citizens of austin put hundreds of hours into this bike plan and I believe the result is a tool that is going to enable us to make austin the world class bicycle city that we all hope it will be.

And I lawd anique, the bicycle program and her staff for putting in another several thousand hours I'm sure in supporting this plan.

Adopting the plan I think is the easy work.

The hard work is going to come in the next, 10, 15, 20 years.

It will take a lot of political courage and intentional will to fight the battles that will be required to find the money to put in the budget to go and create the bond packages that are going to be necessary to support a true bicycle plan in the city of austin.

And I believe that's going to be the challenge for you as councilmembers and our future mayor is to buck up and make this thing a reality because the reality is there are thousands of people that are going to take advantage of it, and we can change the face of our city one bicycle at a time.

Thank you very much.

[One moment, please, for change in captioners]

I served on that and the excellent job that city staff has done and working through that process and coming out with a plan it's very, very solid.

It covers it is bases pretty well from education to infrastructure.

We appreciate that, and as hill said, the challenge will be how are we going to fund this?

We look forward to working with you all as we brainstorm and try to come up with those ideas.

And one problem that bicycles have in getting built is it just doesn't cost enough.

There aren't enough of the kind of lobbyists and the interests that will build those highways and build those \$125 million overpasses.

We can do something about air quality improvements and congestion mitigation for a fraction of the cost, and so keep that in mind, that you've got quite a talented here in austin, but it just doesn't cost that much to do a really great job on this and it fits with everything else you-all are doing from clean energy to pushing more plug-in hybrids, and so we think goods to go to make -- going to make austin at least be the foundation for austin to be one of those great cities for cycling in the united states.

An austinite has recently moved to long beach, california, because charlie gandhi, some of you-all may know him, he's been hired as the bike czar to make long beach california the best bicycle city in the united states.

They put up \$10 million to get them kick started, they've gone after other grants, help from robert johnson to get that done.

Frankly I think we need to embarrass charlie out here in california and make it here at home, that austin

should be the very best city for cycling.

This is the council, this is the plan, thank you very much.

Please vote for the bike plan.

On behalf of the bicycle coalition we strongly urge you and thank you for voting for this plan.

[Applause]

Mayor Wynn: thank you.

Lane Wimberley to be followed by Sara Krause.

Thank you, Lane.

A couple folks wanted to donate time to you.

Is Jonathan Horak still in the room?

How about Melanie McNEARNY?

Lane, can you get back in three minutes?

I'll see what I can do, Mayor and Council, it's wonderful to see you here this evening.

My name is Lane Wimberley.

I'm a long-time cyclist and commuter and advocate.

I'm on the board of Lobb.

I'm a founding member of the current incarnation of the bicycle advisory council, but I'm here tonight to speak to you from the perspective of someone who participated in the speech task force for which I was the chair of the infrastructure subcommittee.

I love this city, and I want to commend all of you.

You guys get it.

Mayor Wynn, in your letter, in the front and forward of the current plan we're talking about this evening, you enumerated the goals of the plan, are to get more people on bikes and to make cycling safer.

You understand the importance of finding ways to get more people from point A to point B while using

less energy, throwing less carbon into the air, reducing time spent on congested roadways, reducing collateral injuries from accidents, preserving clean air, and while we're at it stimulating a cultural shift.

You get it.

It's one thing to get it, it's another to figure out how to get those goals, and to have the result to have the necessary compromises to make it happen.

Regarding how to realize those goals, I have good news.

The city of austin now has a wonderfully rally competent, talented team on its bicycle and pedestrian program and a smart and passionate and dedicated cycling community, willing to volunteer their time and energy and together they have worked hard to understand the city's goals and to produce a superb update to the bicycle master plan.

I have reviewed the plan and after my experience in serving on the street smart task forcible the folks at ped got this right.

They realized to get more people to use their bikes, they will need to know that it's possible that they can can satisfy their transportation needs, that it is safe, that by choosing to ride their bikes they will not be putting themselves or anyone else in danger, and that it is pleasant and cost-effective to get around.

Without any one of those things we're fooling ourselves to imagine that anyone would choose that over the currently affordable convenience of sitting on the comfortable couch we call a car.

We all know that a commitment to achieve the goals in this plan is no small matter, but given the problems we face as our city grows and the costs and risks associated with the alternatives, I cannot think of a more cost-effective way to allocate resources, and let's not forget the side cleaner air and water, an alternative to congestion andigh dpln prices, and gasoline prices, and the growth of an economic sector.

Austin is home to bicycle manufacturers, wheel builders, frame shops and a growing bicycling community as well as many other things.

Please support a wonderfully diverse and healthy aspect of austin's culture.

Please help us to approach, even surpass, cities like seattle, portland, san francisco and what was the city in southern california?

Please approve this update to the bicycle plan.

Thank you very much.

[Applause]

mayor wynn: thank you.

Sarah krause, welcome back, sarah.

You will be followed by chris riley.

Good evening, mayor and council.

First of all I want to thank city staff.

They've put in a tremendous amount of work on this plan, and it truly is an exceptional plan.

As you know, I chaired the street smarts task force and this council was wonderfully supportive of that process and of the plan itself.

Those recommendations are now contained in a really good bike plan.

We're growing.

I now serve on the urban transportation commission, and so looking at transportation issues at large has become more of my game, but I'm sometime a dedicated bicyclist.

We are growing, and as we grow and we undergo a lot of changes in this city we have to focus on long-term transit planning, and as spiller likes to say, the real estate between the curb becomes more valuable.

We need a sustainable transportation system, and bikes are the cornerstone of that type of system.

And it's a simple, cost-effective way to promote a modal split, and people love to do it.

The community support we had in developing the bike plan as a whole and through the street smarts task force was tremendous, and I think as we look at the passage of this ordinance everybody can feel 100% confident that the community supports this plan, the community developed this plan.

There were some incredible minds that had ideas that went into this, and it's truly a vision created by the citizens of austin.

And I thank you for your time and your support of the plan.

[Applause] thank you, sarah.

Folks, please join me in welcoming and congratulating council member chris riley.

[Applause] riley gets a chance to speak, his first lesson in city council meetings is mayor elect leffingwell moves to wave council rules to go past 10:00 p.m.

I'll second.

All in favor, please say aye.

Mayor wynn: aye.

Opposed?

Motion passes on a vote of -- on a vote of -- motion passes on a vote of 5-1 with the mayor pro tem voting no and council member morrison off the dais.

[Laughter] welcome, chris.

Well, thanks, mayor and council.

It's great to see you-all tonight.

I just want to come and briefly, on the -- comment briefly on the significance of the plan that's before you tonight, and I'm going to resist the urge to break out in song.

[Laughter] the plan that we currently have in place was a pretty good plan at the time that it was adopted back in '96 and '98.

It included detailed provisions for facilities.

It included provisions for education, and it set fairly ambitious goals of 4% of bike share -- of commute trips by 2005 and 8% by 2015.

Now, over a decade later, we can see the progress that we've made.

We're about 30 to 35% built out on those facilities that we had planned.

We've made some progress on those education efforts -- most of the education efforts, especially over the past couple years, but unfortunately the progress we've made on the bike share of commute trips has not been as good as we had hoped, outside the central city.

Actually we're doing pretty well in the central city.

We're up almost 4% in the central city, but the city as a whole we're still down around 1%.

The plan that's before you tonight represents a new and vastly improved version of a bicycle plan.

It includes a wonderful set of plans for a facility, informed by the extensive work of the street smarts task force that's been mentioned previously.

It includes much more detailed provisions about the education programs that we need here in the city, and it sets serious but achievable goals for the share of commute trips that we expected to be achieved. As mentioned, we're aiming for 2% of trips by 2015, and then 5% by 2020.

There are many reasons of optimism and thinking that we can actually achieve these goals, all of these goals.

We have an amazing bike community, which you've seen here tonight.

The bike community today is more unified and galvanized than it's ever been.

We have an excellent bike and pedestrian staff that we've also heard comments on tonight, by -- we've got a great transportation director, we've got folks like Anne, K and Nadia, and Nathan that have been working actively with the bike community and developing all these recommendations and plans, and very specifically, we've got the political will on the part of the council and the whole community to support very significant improvements in our bicycling infrastructure.

I think as the last speaker pointed out, this council gets it.

You all understand all the many benefits of bicycling.

With all these elements in place there's every reason to think that not only will we achieve the goals set forth in this bicycle plan, but we will set the city on course to become the very best city in the country for bicycling.

So I want to applaud everyone that's been involved in all these efforts, from the council to staff and the whole bike community that you've seen here tonight.

I'm looking to working with all of you all as we move forward and actually get this stuff done.

Thanks.

[Applause] Thank you, Chris.

Let's see.

So that concludes sort of our structured organizational support.

We do have a number of folks that also wanted to get to give us some testimony, starting with ross smith.

Welcome ross.

You too will have three minutes.

Thank you, mayor and council.

I signed up neutral on this issue because frankly I'm a bit conflicted on it.

It's not because I'm against bikes.

I rode my bike downtown for ten years dodging all kinds of traffic.

The reason I'm conflicted on it is because it concerns me to be expanding the size of this network when the roadway conditions of so much of the existing network is in such poor condition.

I gave up riding my bike here several years ago because frankly I got tired of having to dodge into traffic to avoid potholes and busted up curbs and utility cuts 3 inches deep.

I just didn't feel safe.

I had no problem dodging trucks.

I've been doing that since i was a kid.

I just don't like having to deal with the roadway surfaces that we have here.

And so I would encourage you to give as much attention to maintaining the existing network and making the roadways passable for bicyclists as you do for expanding the network.

On a personal note, some of you have seen the little red car that I have, driving around town down here.

What you may not know is the previous owner of that car was a bicyclist who was killed in a wreck down the street here on cesar chavez around 1992.

It's my understanding that my purchase price of the car paid for his funeral expenses, and I hope that none of you or any of the folks in the audience ever have to deal with a situation like that.

Thank you.

thank you, mr. smith.

[Applause] so, folks, I was very appreciative through the organizational team that came together to give me the list that I read earlier for the sequence, but a number of folks had signed up, so just without me having to sort of go through and try to cut and paste whose name hasn't been checked, are there any other citizens that would like to give us testimony on this public hearing?

Please step forward if you can.

State your name for the record and we'll chase it down here on our computer screen.

And I'll do my best to catch up and see if folks donated time, thank you.

Thank you a good evening.

I'm Justin Marlin and I recently finished a master's thesis on bicycle traffic in Austin.

It can be dangerous, marginalized and underutilized as a mode of transportation.

I bicyclists.

I received 285 responses.

It resembled the demographic makeup according to age and gender.

I've provided written testimony summarizing my results with a link to the entire document.

The categories that I surveyed were bicycle facilities, connectivity, traffic enforcement, public participation, representation, community and utilitarian cycling.

The most significant results, I asked people to respond to the following statement.

Austin has enough on road bicycle lanes to allow for the safe operation of a bicycle throughout the city.

Only 5% of the people agreed with that statement.

When asked what type of bicycle facility they would prefer, the significant majority, 65%, said on road bicycle lanes.

I think a focus on the on road lanes is important because it will take it to the realm of transportation.

It should not be treated as a subset of transportation.

Bicycling should be integrated into all transportation planning.

So why should the city council pass this plan and support more bicycling facilities?

There are several facilities.

The health and environmental benefits are obvious.

Bicycling is compatible with transit oriented development.

Austin is a perfect setting for more cycling facilities because of the young and active people as well as climate and to beography.

It's perfect for a city trying to increase downtown population and is cheaper than a circulator system.

Cycling infrastructure is the low-hanging fruit in providing a comprehensive regional urban and multi-modal transit system.

So I ask you not only to support the new bicycle plan but adequately fund the improvements within the plan.

Finally, other people have mentioned the staff bicycle staff.

They do an awesome staff.

They deserve a huge round of applause.

The new path is 2 inches thick and there's a ton of stuff in there -- the plan is 2 inches.

Davis california has the highest mode share.

20% Of all trips is -- their plan is 15 to 20 pages, so i don't think it's necessarily the details but the political will, the funding and the hard work of a bunch of regular folks.

So with that thank you very much and I'd be happy to take any questions.

thank you, mr. marlin.

Any questions for justin, council?

Great.

Thank you, mr. marlin.

[Applause] if you still want to give us testimony please just step forward and read your name into the record and we'll track you down.

My name is malcolm yates.

I'm a member of the southeast austin trails alliance.

We are building a trail in south central austin that will connect guerrero park with davis park.

Today I'd like to thank council for supporting this plan, I have a couple of suggestions.

The ultimate goal of this plan is to have 5% of the city of austin residents riding to work within ten years.

We will never achieve this plan unless we address the concerns of the vast majority of bicycle riders who do not want to ride on major arterial streets.

Riding a bike on an urban road that has a 35-mile-per-hour speed limit is both dangerous and unpleasant.

This plan needs to emphasize a network of -- emphasize a network of off-road trails and residential streets that would be able to connect all major destinations without needing to go on to major arterial roads.

Now there are a number of groups in austin, volunteer groups, that are already trying to achieve this goal.

A small investment by the city in these groups would result in a large return on investment due to the power of volunteers, labor and matching grants from private industry, and we've proved that with our group already.

Another way to lessen the financial impact that everyone says is really going to be huge would be to request -- demand the contribution from every city department.

Don't put all of the burden on public works in order to try and get this trail system going.

We're -- the southeast trails and austin green ways alliance is working with the austin energy and water department, asking about their easements.

Also the real estate department.

We've had great success with that, so if council would request all departments contribute, the ultimate price would be much less.

In conclusion, if all of the residents of austin realize the benefit to them and also if all of the departments of the city would contribute to this plan, I believe that it would be a great success.

Thank you.

thank you, mr. yates.

[Applause] again, any other citizens like to give us testimony in this public hearing, item no. 61?

Please just come take your time, state your name, and you'll have three minutes.

H name is jessie hazelwood.

In addition to heritage hills I know you were concerned about the school children crossing, and i would like to say in that area there are indigent people living.

If there was a path there, if the school children crossed in that area, they would be in a low-policed area where these people are doing drugs and whatever else, and the 35 police were there proposing a -- place where they're proposing a sidewalk is really only about 800 feet closer to the highway than where the bridge is proposed.

Thanks.

thank you, hazelwood.

Any oth additional folks want to give us testimony on this public hearing, regarding the 2009 city of austin bicycle plan.

Welcome.

Mayor, council, my name is carl thomas muscleman.

Normally when I tell people I don't have a driver's license, that is met with a laugh, shock and curiosity.

I'm sure in this room it is more met with a nod of approval than anything else, but I never expected to become a bicyclist.

In fact, the fact that I am today is largely driven more by my upbringing in being a cheap, or rather should i say, thrifty german from frictionberg.

Since I was old -- fred restrictionberg.

Since I wasled enough to have a license -- since I've told the story, since the age of 16 my parents

provided additional incentive to not have a driver's license and therefore not to have a core.

That was of great benefit, since I was 16, eight years or so, and it's provided a nice pile of change that is productive in life rather than having a car that has depreciated in value over time.

I'd like to think that's provided economic value to the city in these economic times.

The reason I make this point is unknowingly by providing a infrastructure that allows for cycling to be a viable option for transportation, and I realize that someday i too may have to break down and learn how to drive a car, that it provides an economic boost and affordability in this city in that I can live my life and spend the money that I've saved from having to pay for gas on something that doesn't necessarily appreciate in value, on things that I feel do appreciate in value, and that's an education, more benefits in the city instead of paying, you know, debt for a loan to pay for education to be able to expand that and provide my own thoughts and ideas and share those with the city in which I live, and to provide an economic boost in the things that I can spend on day-to-day.

And as we look at making cycling and our infrastructure an affordable option and a viable option for people, let us look at all the other externalities that has an effect on, and everything in our city is interconnected when it comes to transportation, when it comes to our education, when it comes to what kind of people want to move here and continue to stay here, and i think the diversity that we see that's spoken tonight, the diversity that has come to this room, is representative of a lot of very creative, very idealistic people who have a certain way of life that is not only healthy, it is economically beneficial and it is making the city more affordable, which achieves many of our other long-term strategic goals.

So with that I'd like to thank everyone as well as those that passed earlier today with the motion to direct the city to look at that response for bicycling to improve not only the atmosphere in which people want to bike because they feel it's a safe environment, they're not going to have to worry about losing their bike, it's happened to me, and I thank council member shade and her staff for moving that forward, I would support the plan on those notes.

thank you, mr. muscleman.

[Applause] again, anybody else like to give us public testimony at this public hearing?

And again, we apologize for -- because of a technical snafu.

Legal advice was that we not take action.

At our next council meeting on June 11 I anticipate a staff item, a simple staff item, sort of fixes that technical snafu relating to the deadline for training dates for certain members of certain boards and commissions that in theory sort of affected the food chain of some items on our agenda today.

That should be fixed at our next council meeting, so council could take action as early as the next

meeting on the bicycle plan or anytime thereafter, but we greatly appreciate all the feedback.

Questions, staff, council?

Comments?

Other thoughts?

If not, then I'll -- council member morrison?

I know we're not going to take action tonight, but especially since folks are here tonight I wanted to provide a few comments, if you don't mind.

Mayor wynn: please do.

because i suspect when it's presented to us for action that it will be a very quick thing and you-all won't be here, which will be great.

[Laughter] I mean, for you, not for us.

Sorry.

I recognize the frustration of the neighbors that came to speak, and I hope that we'll be able to have continued conversation about that for sure, and as I'm trying to understand the situation, I'm feeling like I don't have the whole picture.

So at a minimum I think that it's very important that we continue the conversation.

So I know that that will be part of it.

And I will look forward to being able to take action on this just in terms of the bicycle plan in general.

When I think about it first of all, the idea of being able to do the whole bicycle plan for the cost of two lousy fly-overs, that's pretty amazing, that's pretty fiscally responsible for us to be able to invest like that.

And I also think that -- [applause] -- the way I think of bicycling is, you know, you get to be good for the air, you get to reduce traic congestion, you get to be good to your health and you get to have fun at the same time.

So what more could you ask for?

And I do know that there are some very specific benchmarks in here for a broad range of things, including education, and i want to mention that I know that some of the staff sitting out there, i believe, along with me and one of my staff, tomorrow are going to be helping you with your benchmarks,

because one of them is to educate a thousand adults every year, and we're going to be in the bicycle class tomorrow, so I'm looking forward to that.

And thanks to everybody for all their work.

[Applause] council members?

Further comments, thoughts?

Council member cole?

I just wanted to say that, again, I apologize for the fact that we cannot take action tonight, and recently council member elect chris riley and i visited with an expert from portland, and he shared with us what a great bicycle community they had and some of the steps that they had taken, especially with their downtown community to work with the garage system to actually encourage more cycling and did some really big, bold ideas, that some of them actually are not even a part of this plan.

And so I look forward to working with you guys to try to move some of that forward.

[Applause] again, further comments, thoughts, questions?

I just want to say a quick comment.

Chris riley mentioned the fact that in the, you know, urban core of austin we do have measurably higher percentage of folks who do bike, at least some of their -- some of their travels, and let's don't lose sight of the whole combination and the complementary nature of land-use policies.

Some of you know I moved downtown in 2004.

The building that I live in has about 82 units, a very well thought out constructed, designed building, but one of the -- the thing that they didn't anticipate is how many people would buy bicycles once they moved downtown, or to a truly mixed use urban part of the city.

I had always had, you know, a -- as a recreational bicycle, but my building is probably a third empty nesters, and I promise you virtually every one of those folks in my building have purchased a bicycle since they moved downtown.

We've had to buy additional bike racks in the parking lot of our building.

And in talking to some of those folks some of them haven't owned a bike in 30 years.

Once they got downtown -- we still probably walk, the vast majority of our trips, but I walk to work, I walk

to church, I walk to the grocery store, I walk to work out, walk to pitching practice with my kids.

And so do they.

Other folks in my building, but when you rediscover a bicycle after several decades, you know, that four block walk can easily translate into a 12, 15, 20-block bike ride, and such a higher percentage of those folks that are moving into downtown and now some of our core transit corridor, you know, south lamar and other spots around the city are starting to experience that.

And so it's this great opportunity to put the infrastructure in place that as we then also complement it and vice versa with land use patterns -- again, not everybody in town is comfortable with all elements of those, but what's happening to most of our major core transit corridors, what's clearly happening downtown, what's happening, I think, in a positive way, clumsy but positive way in west campus, having far more people live loose closer to where they work, shop, play, worship, go to school.

You'll see this combination of pedestrian and short bike trip I think explode in this community, and we really do have a chance to have a positive effect on overall mobility in the city, and so I think it's -- every way you measure it, it's the right thing for us to be attempting to do.

So again, really appreciate all the testimony, your patience as we've wrestled through this.

Sorry for the fact we can't take action, but frankly i think this might enable us to look at a couple details of the plan, particularly some of those good comments from the folks in heritage hills neighborhood figure out the actual details of the plan that make this thing more -- more compatible and more effective.

So thank you all very much.

Again, no action needed.

Further comments?

Questions of staff?

spiller, and your staff and for everybody's patience tonight.

[Applause] so there being no more business before this meeting of the city council, we stand adjourned.

It is approximately 10:32 p.m.

End of Council Session Closed Caption Log